

CODIFIED ORDINANCES OF ELBURN

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PART FOUR - TRAFFIC CODE

TITLE TWO - General Provisions

Chap. 420. Illinois Vehicle Code.

Chap. 422. Administration, Enforcement and Penalties.

CHAPTER 420

Illinois Vehicle Code

420.01 Adoption by reference.

420.02 Citations.

CROSS REFERENCES

Illinois Vehicle Code definitions - see Ill. R.S. Ch. 95-1/2, Secs. 1-101 et seq., 11-100

Powers of local authorities - see Ill. R.S. Ch. 95-1/2, Sec. 11-208

Notice accompanying citations - see Ill. R.S. Ch. 95-1/2, Sec. 16-106

Offenses by persons owning or controlling vehicles - see Ill. R.S. Ch. 95-1/2, Sec. 16-202

Adoption of Illinois Vehicle Code by reference - see Ill. R.S. Ch. 95-1/2, Sec. 20-204

Enforcement of Illinois Vehicle Code in the Hughes Creek Golf Community Subdivision - see TRAF. 422.01

420.01 ADOPTION BY REFERENCE.

Pursuant to Section 20-204 of the Illinois Vehicle Code, such Code, as amended through the date of adoption of these Codified Ordinances, being Chapter 95-1/2 of the Illinois Revised Statutes, as amended, is hereby adopted by reference as if fully set forth at length herein.

420.02 CITATIONS.

Citations for violations of State traffic laws adopted by Section 420.01 shall refer to the Illinois Vehicle Code section number of the law violated, but the "Local Ordinance" box on the Uniform Citation Form shall be marked. Citations for violations of any other provisions of this Traffic Code shall refer to the number of the section of this Traffic Code that is violated.

CHAPTER 422
Administration, Enforcement and Penalties

422.01 Enforcement of Illinois Vehicle Code and Village Traffic Code in Hughes Creek Golf Community Subdivision. 422.99 Penalties.

CROSS REFERENCES

Obedience to police officers - see 625 ILCS 5/11-203

Fleeing or attempting to elude a police officer - see 625 ILCS 5/11-204

Arrests, investigations and prosecutions - see 625 ILCS 5/16-102

422.01 ENFORCEMENT OF ILLINOIS VEHICLE CODE AND VILLAGE TRAFFIC CODE IN HUGHES CREEK GOLF COMMUNITY SUBDIVISION.

(a) The Police Department shall enforce the provisions of the Illinois Vehicle Code and this Traffic Code on all private roads and streets in the Hughes Creek Golf Community Subdivision, which is described as follows: that part of the southeast quarter of Section 8, the southwest quarter of Section 9, the northwest quarter of Section 16 and the northeast quarter of Section 17, Township 39 North, Range 7, east of the third principal meridian, described as commencing at the southwest corner of the aforesaid southeast quarter of Section 9 and running thence north 89°-15'-09" east, along the south line of said Section 9, a distance of 36.87 feet to the point of beginning; thence north 1°-47'-17" east, 33.90 feet, to a point of curve; thence northwesterly along a curve whose center lies westerly and has a radius of 127.91 feet, 144.27 feet, arc (chord bearing north 30°-31'-23" west, 136.74 feet, chord), to a point of tangency; thence north 62°-50'-02" west, 50.00 feet, to a point of curve; thence northwesterly along a curve whose center lies northeasterly and has a radius of 625.0 feet, 107.33 feet, arc (chord bearing north 57°-54'-51" west, 107.20 feet, chord); thence south 88°-58'-41" west, 295.43 feet; thence north 86°-42'-10" west, 888.37 feet; thence south 89°-14'-57" west, 508.16 feet; thence north 0°-39'-52" east, 973.75 feet; thence south 68°-58'-38" east, 1,184.20 feet, to a point of curve; thence northeasterly along a non-tangent curve whose center lies easterly and has a radius of 272.28 feet, 129.47 feet, arc (chord bearing north 14°-01'-14" east, 128.26 feet, chord) to a point of tangency; thence north 27°-38'-36" east, 127.89 feet, to a point on the centerline of Hughes Road; thence south 62°-21'-24" east, along the centerline of Hughes Road, 100.00 feet; thence south 27°-38'-36" west, 172.11 feet, to a point of curve; thence southeasterly along a curve

whose center lies easterly and has a radius of 177.72 feet, 300.94 feet, arc (chord bearing south 20°-52'-02" east, 266.26 feet, chord), to point of tangency; thence south 69°-22'-39" east, 147.86 feet, to a point of curve; thence southeasterly along a curve whose center lies southwesterly and has a radius of 200.00 feet, 132.81 feet, arc (chord bearing south 50°-21'-14" east, 130.38 feet, chord) to a point of tangency; thence south 31°-19'-48" east, 50.00 feet, to a point of curve; thence southeasterly along a curve whose center lies northeasterly and has a radius of 575.00 feet, 316.16 feet, arc (chord bearing south 47°-04'-55" east, 312.19 feet, chord), to a point of tangency; thence south 62°-50'-02" east, 50.00 feet, to a point of curve; thence southerly along a curve whose center lies westerly and has a radius of 177.91 feet, 200.66 feet, arc (chord bearing south 30°-31'-23" east; 190.19 feet, chord), to a point of tangency; thence south 1°-47'-17" west, 98.88 feet, to a point of curve; thence southeasterly along a curve whose center lies easterly and has a radius of 625.00 feet, 79.12 feet, arc (chord bearing south 1°-50'-18" east, 79.06 feet, chord), to a point of tangency; thence south 5°-27'-53" east; 207.50 feet; thence north 84°-32'-07" east, 90.03 feet; thence south 4°-49'-19" east, 680.29 feet; thence south 89°-12'-59" west, 535.00 feet; thence north 8°-16'-29" east, 979.42 feet; thence south 88°-12'-43" east, 175.00 feet; thence north 1°-47'-17" east, 64.98 feet, more or less, to the point of beginning, all in Kane County, Illinois, and containing 33.805 acres.

(b) The owner and developer of such Subdivision, their successors and assigns, shall pay for all traffic signs, and the installation thereof, that the Village deems necessary.

(c) A duplicate of original Ordinance 92-9, passed March 16, 1992, from which this section was derived, shall be recorded with the Kane County Recorder. (Ord. 92-9. Passed 3-16-92.)

422.99 PENALTIES.

(a) Multiple Violations. In all cases where the same offense is made punishable or is created by different clauses or sections of this part of the Code, the prosecuting officer may elect under which to proceed, but not more than one recovery shall be had against the same person for the same offense; provided that the revocation of a license or permit or fine imposed in an administrative or judicial hearing shall not be considered a recovery or penalty so as to bar any other penalty being enforced. Any license issued by the Village may be revoked by the board upon conviction of a violation of any section of this Code.

(b) Minimum Fine. Whenever in this Part of the Code the doing of any act or omission to do any act constitutes a violation of any section or provision of this part of the Code, any person who shall be convicted of any such violation shall be fined not less

than the minimum fine set forth in this Section 422.99, or specific provision of this part of the Code, but in no case more than seven hundred fifty dollars (\$750.00) for each and any violation.

(c) Restitution Permitted. Whenever a finding of guilty is entered by the court or a plea of guilty is entered by a defendant, the court may, in addition to a fine imposed, enter an order to pay restitution with restitution to be in an amount not to exceed actual out of pocket expenses or loss proximately caused by the conduct of the defendant. The court shall determine the amount and conditions of payments.

(d) Court Supervision Permitted. Whenever a finding of guilty is made by the court or a plea of guilty is entered by a defendant, the court may, in addition to a fine imposed, impose a sentence of supervision, and the incidents and conditions thereof, as defined in the uniform code of corrections, as now or hereafter amended. The provisions as to employment, compensation, liability and any other provision contained in the uniform code of corrections shall also apply.

(e) Court Costs and Fees Additional. Whenever a finding of guilty is made by the court or a plea of guilty is entered by a defendant, the court may, in addition to a fine imposed, impose court costs and fees as determined from time to time by the Kane County Clerk of the Circuit Court pursuant to law and regulation, and Illinois Supreme Court Rule.

(f) No Duty Created. No provision of this code designating the duties of any officer or employee shall be construed as to make such officer or employee liable for any fine or penalty provided in this code for a failure to perform such duty, unless the intention of the council to impose such a fine or penalty on such officer or employee is specifically and clearly expressed in the section creating the duty.

(g) Continuing Violations. Each and every day on and after which a violation of provisions enumerated in this code exists shall be deemed to constitute a new and separate violation, for which any person found liable/guilty by a preponderance of the evidence of a violation of the governing section/chapter in an administrative/judicial hearing shall be subject to the class fine specified in said section/chapter, plus applicable hearing costs, as provided below.

(h) Amendment. The corporate authorities of the Village from time to time may amend the fines and costs identified in this section to recoup expenses incurred by the Village, including administrative and professional fees.

(i) Written Warnings. Village officials, officers, employees and agents enforcing provisions enumerated in this part of the Code may, but are not required to, issue a written warning, in lieu of a formal violation citation, to any person or party for the initial (first) violation of any provision enumerated in this code. The official, officer, employee or agent issuing such an optional written warning shall retain a file copy of said written warning for future reference in the same manner and procedure as had a formal violation citation been issued.

(j) Penalties Imposed. Whoever is convicted of violating or failing to comply with any of the provisions of the Traffic Code (Part Four) of the Codified Ordinances, including any provision of any standard, technical or other code; adopted by reference in these Codified Ordinances, and including any rule 6r regulation promulgated under authority of such standard, technical or other code adopted by reference in these Codified Ordinances, or under authority of any other provision of these Codified Ordinances, or under authority of State law, and for which no penalty is otherwise provided, shall be fined in accordance with the severity of the infraction as provided below.

- (1) Class I violations and fines These violations generally include minor petty offenses and violations of provisions enumerated in this code which do not implicate or compromise the public health, safety or welfare of residents of or visitors to the Village.

<u>Violation</u>	<u>Amount Minimum Fine</u>
First offense	\$40.00
Second offense*	\$80.00
Third offense*	\$120.00
Fourth and subsequent offenses*	(# of repeat offense) x \$50.00
Maximum fine up to (for each offense)	\$750.00

* - An offense shall be considered a subsequent or repeat offense if it occurs within one calendar year of the date of the preceding offense.

By way of example, Class I violations might include traffic violations such as storage or parking of an unlicensed vehicle (Chapter 464) or parking violations (Chapter 480).

Commuter (METRA) Parking Facility Parking Violations and Fines. Notwithstanding the foregoing, the following violations and fines apply to parking violations (Chapter 480) occurring on commuter (METRA) parking facility, as more fully described in Section 480.01(e).

<u>Violation</u>	<u>Amount Minimum Fine</u>
First offense	\$20.00
Second offense*	\$40.00
Third offense*	\$80.00
Fourth and subsequent offenses*	(# of repeat offense) x \$30.00
Maximum fine up to (for each offense)	\$750.00

* - An offense shall be considered a subsequent or repeat offense if it occurs within one calendar year of the date of the preceding offense.

These commuter (METRA) parking facility fines may be referred to as "METRA Parking Fines" in this code.

- (2) Class II violations and fines. These violations include offenses and violations of provisions enumerated in this code more serious than those for [which Class I penalties would be appropriate, possibly including offenses implicating or compromising the public health, safety or welfare of residents of or visitors to the Village, or constituting a nuisance on residents' right of quiet enjoyment.

<u>Violation</u>	<u>Amount Minimum Fine</u>
First offense	\$80.00
Second offense*	\$160.00
Third offense*	\$240.00
Fourth and subsequent offenses*	(# of repeat offense) x \$80.00
Maximum fine up to (for each offense)	\$750.00

* - An offense shall be considered a subsequent or repeat offense if it occurs within one calendar year of the date of the preceding offense.

By way of example, Class II violations might include traffic violations such as disregarding traffic control devices (Chapter 444) or obstructing a public way (Chapter 446).

- (3) Class III Violations and Fines. These violations include offenses and violations of fire, building, safety, zoning and subdivision provisions enumerated in this code which are determined to be serious offenses implicating or compromising the public health, safety or welfare of residents of or visitors to the Village.

<u>Violation</u>	<u>Amount Minimum Fine</u>
First offense	\$250.00
Second offense*	\$500.00
Third offense*	\$750.00
Fourth and subsequent offenses*	\$750.00 per offense
Maximum fine up to (for each offense)	\$750.00

* - An offense shall be considered a subsequent or repeat offense if it occurs within one calendar year of the date of the preceding offense.

By way of example, Class III violations might include violations such as storage of an inoperable or derelict vehicle (Chapter 464).

- (4) Serious violations and violations of state law. Repeat and/or serious violations of provisions of this code, and violations of state law, penalties imposed on a plea or finding of guilt shall be consistent with applicable state law and provisions of this code, with the provisions of state law taking precedence in the event of conflict.
- (5) Nonexclusive penalties. The fines and costs identified in this section are not exclusive. Other penalties for violations of provisions of this Code on a finding of liability/guilt may be imposed under state law or other provisions this Code, e.g., such as the revocation of a license to conduct business or to offer a service or to sell a product issued pursuant to specific provisions of this Code.
- (6) Prima facie proof. The fact that an automobile or other vehicle which is illegally operated is registered in the name of a person shall be prima facie proof that such person was in control of the vehicle at the time of such violation.

(j) Payment, Late Payment, and Enforcement. Any person charged with a violation of any provision of this Traffic Code for which payment of a prescribed fine may be made, may pay such sum in the manner prescribed on the issued traffic ticket. Such payment shall be deemed a plea of guilty, waiver of court appearance and acknowledgment of conviction of the alleged offense and may be accepted in full satisfaction of the prescribed penalty for such alleged violation. Payment of the prescribed fine need not be accepted when laws prescribe that a certain number of such offenses shall require a court appearance. To be timely made and considered, payment of the prescribed fine must be within 30 calendar days of the date on which the ticket was issued. After said due date the Village reserves the right to seek assistance of the

Circuit Court of Kane County for any and all appropriate and proper enforcement remedies for the cited violation. Violators are advised that resolution in and by the Circuit Court may result in imposition of costs and fees in excess of the fines prescribed herein, and for which violators found guilty by a preponderance of the evidence shall be liable. A failure to answer or properly respond to a complaint filed in said court may subject the violator to conviction in their absence (an ex parte conviction) with imposition of fines, costs, and fees, and issuance of a warrant for the arrest of the violator without further notice.

(k) Provisions of this subsection apply only to violations of this Traffic Code and not reportable violations of the Illinois Motor Vehicle Code, for which peace officers issue violators a Uniform Traffic Citation. Disposition of violations documented on a Uniform Traffic Citation shall be according to applicable state laws and court rules, and as noted on the Uniform Traffic Citation.
(Ord. 2012-23. Passed 11-19-12.)

TITLE FOUR - Public Ways

- Chap. 440. Street Obstructions and Special Uses.
- Chap. 442. Parades.
- Chap. 444. Traffic Control Devices.
- Chap. 446. Obstructing Public Ways.

CHAPTER 440
Street Obstructions and Special Uses

- 440.01 Unattended animals.
- 440.02 Toy vehicles.
- 440.99 Penalty.

CROSS REFERENCES

- Power to regulate processions or assemblages on highways - see 65 ILCS 5/11-208
- Putting glass, etc. on highway prohibited - see 65 ILCS 5/11-1413
- Obstructing person in highways - see 65 ILCS 5/11-1416
- Parades - see TRAF. 442.10(a)
- Truck routes and traffic - see TRAF. Ch. 468
- Obstruction of traffic - see GEN. OFF. 656.06
- Obstruction of streets and sidewalks - see S.U. & P.S. 1020.04(f)

440.01 UNATTENDED ANIMALS.

No person shall leave any horse or other draft animal unattended in any street without having such animal securely fastened.
(Ord. 90-11. Passed 6-18-90.)

440.02 TOY VEHICLES.

(a) "Toy vehicle" shall include, but not be limited to, skates, skateboards, coasters, sleds or other toy vehicles.

(b) No person shall operate, ride or use a toy vehicle upon any roadway other than at a crosswalk.

(c) No person shall operate, ride or use a toy vehicle on any sidewalk adjacent to Main Street (Route 47) between South Street and Pierce Street.
(Ord. 90-11. Passed 6-18-90.)

440.99 PENALTY.

Any person found liable/guilty by a preponderance of the evidence of a violation of this chapter in an administrative/judicial hearing shall be subject to a Class I fine, plus applicable hearing costs, as provided in Section 422.99 of this code.
(Ord. 2012-23. Passed 11-19-12.)

CHAPTER 442
Parades

442.01	Definitions.	442.08	Permit contents.
442.02	Permit required.	442.09	Duties of permittee; possession of permit required.
442.03	Application for permit.	442.10	Public conduct during parades.
442.04	Standards for permit issuance.	442.11	Revocation of permit.
442.05	Notice of denial.	442.99	Penalty.
442.06	Alternate permit.		
442.07	Notification of permit issuance.		

CROSS REFERENCES

Power to regulate processions or assemblages on highways - see Ill.

R.S. Ch. 95-1/2, Sec. 11-208(a)(3)

Obstructing person in highways - see Ill. R.S. Ch. 95-1/2, Sec. 11-1416

Obstruction of traffic - see GEN. OFF. 656.06

Obstruction of streets and sidewalks - see S.U. & P.S. 1020.04(f)

442.01 DEFINITIONS.

As used in this chapter:

- (a) "Chief of Police" means the Chief of Police of the Village of Elburn.
- (b) "Parade" means any parade, march, ceremony, show, exhibition, demonstration, pageant or procession of any kind, or any similar display, in or upon any street, park or other public place in the Village.
- (c) "Parade permit" means a permit required by this chapter.
- (d) "Person" means any person, firm, partnership, association, corporation, company or organization of any kind.
- (e) "Village" means the Village of Elburn.
- (f) "Village Board" means the Elburn Village President and the Board of Trustees.
(Ord. 91-8. Passed 4-15-91.)

442.02 PERMIT REQUIRED.

(a) General Requirements. No person shall engage in, participate in, aid, form or start any parade unless a parade permit has been obtained from the Village.

(b) Exceptions. This chapter shall not apply to:

(1) Funeral processions;
(2) Students going to and from school classes or participating in educational activities, providing such conduct is under the immediate direction and supervision of the proper school authorities;

(3) A governmental agency acting within the scope of its functions;
and

(4) Religious processions by members of established churches located within the Village.

(Ord. 91-8. Passed 4-15-91.)

442.03 APPLICATION FOR PERMIT.

A person seeking issuance of a parade permit shall file an application with the Chief of Police on forms provided by such officer.

(a) Filing Period. An application for a parade permit shall be filed with the Chief of Police not less than sixty days before the date on which it is proposed that the parade be conducted. The Village Board may, in its discretion, consider applications submitted late.

(b) Contents. The application for a parade permit shall set forth the following information:

(1) The name, address and telephone number of the person seeking to conduct such parade;

(2) If the parade is proposed to be conducted for, on behalf of or by an organization, the name, address and telephone number of the headquarters of the organization, and of the authorized and responsible heads of such organization;

(3) The name, address and telephone number of the person who will be the parade chairman and who will be responsible for the conduct of the parade;

(4) The date on which the parade is to be conducted;

(5) The route to be traveled, including the starting point and the termination point of the parade;

(6) The approximate number of persons who, and animals and vehicles which, will constitute the parade, together with the types of animals and a description of the vehicles;

(7) The hours when the parade will start and terminate;

(8) A statement as to whether the parade will occupy all or only a portion of the width of the streets proposed to be traversed;

(9) The location, by streets, of any assembly areas for such parade;
(10) The time at which units of the parade will begin to assemble at any such assembly area or areas;

(11) The interval of space to be maintained between units of the parade;

(12) A statement as to whether the parade is designed to be held by and on behalf of or for any person other than the applicant, in which case the applicant for such permit shall file with the Chief of Police a communication, in writing, from the person proposing to hold the parade, authorizing the applicant to apply for the permit on his or her behalf;

(13) A copy of all permits required by the State of Illinois Department of Transportation, the Kane County Superintendent of Highways or the Township Road Commissioner if any part of the parade is to take place on State, County or Township roads and/or highways.

(c) Submission of Application to Village Board. Upon receipt of the application for a parade permit, the Chief of Police shall submit said application to the Village Board for its approval or rejection. The Chief of Police shall submit said application to the Village Board so as to enable the Village Board to consider said application at least thirty days before the scheduled parade date.

(Ord. 91-8. Passed 4-15-91.)

442.04 STANDARDS FOR PERMIT ISSUANCE.

The Village Board shall approve and direct the Village Clerk to issue a permit as hereinafter provided when, from a consideration of the application and from such other information as may otherwise be obtained, it finds that the following standards for issuance have been satisfied:

(a) The conduct of the parade will not substantially interrupt the safe and orderly movement of other traffic contiguous to the parade route;

(b) The conduct of the parade, in the opinion of the Chief of Police, will not require the diversion of so great a number of police officers of the Village, to properly police the line of movement and the areas contiguous thereto, as to prevent normal police protection to the Village.

(c) The conduct of the parade, in the opinion of the Director of the Ambulance Service, will not require the diversion of so great a number of ambulances as to prevent normal ambulance service to portions of the Village other than that to be occupied by the proposed line of march and areas contiguous thereto;

(d) The concentration of persons, animals and vehicles at assembly points of the parade will not unduly interfere with proper fire and police protection of, or ambulance service to, areas contiguous to such assembly areas;

(e) The conduct of the parade will not interfere with the movement of fire-fighting equipment en route to a fire;

(f) The conduct of the parade is not reasonably likely to cause injury to persons or property, to provoke disorderly conduct or create a disturbance;

(g) The parade is scheduled to move from its point of origin to its point of termination expeditiously and without unreasonable delays en route;

(h) The parade is not to be held for the sole purpose of advertising any product or goods or an event, and is not designed to be held purely for private profit.

(Ord. 91-8. Passed 4-15-91.)

442.05 NOTICE OF DENIAL.

If the Village Board denies the application, the Village Clerk shall mail to the applicant, within fourteen days after the date of the Board's decision, a notice stating the reasons for its denial of the permit.

(Ord. 91-8. Passed 4-15-91.)

442.06 ALTERNATE PERMIT.

The Village Board, in denying an application for a parade permit, may authorize the conduct of the parade on a date, at a time or over a route different from that named by the applicant. An applicant desiring to accept an alternate permit shall, within seven days after notice of the action of the Village Board, file a written notice of acceptance with the Village Board. An alternate parade permit shall conform to the requirements of, and shall have the effect of a parade permit under, this chapter.

(Ord. 91-8. Passed 4-15-91.)

442.07 NOTIFICATION OF PERMIT ISSUANCE.

Immediately upon the issuance of a parade permit, the Village Board shall have the Chief of Police or the Village Clerk notify the applicant in writing and send a copy of said notification to the following:

- (a) The Village President;
- (b) The Fire Chief;
- (c) The Director of the Department of Public Works; and
- (d) The Director of the Elburn Ambulance Service.

(Ord. 91-8. Passed 4-15-91.)

442.08 PERMIT CONTENTS.

Each parade permit shall state the following:

- (a) The date of the parade;
- (b) The starting time and approximate ending time;

- (c) The maximum interval of space to be maintained between the units of the parade; and
- (d) The parade route.
(Ord. 91-8. Passed 4-15-91.)

442.09 DUTIES OF PERMITTEE; POSSESSION OF PERMIT REQUIRED.

A permittee under this chapter shall comply with all permit directions and conditions and with all applicable laws and ordinances.

The parade chairperson or other person heading or leading a permitted parade shall carry the parade permit upon his or her person during the conduct of the parade.
(Ord. 91-8. Passed 4-15-91.)

442.10 PUBLIC CONDUCT DURING PARADES.

(a) Interference. No person shall unreasonably hamper, obstruct, impede or interfere with any parade or parade assembly or with any person, vehicle or animal participating or used in a parade.

(b) Driving Through Parades. No driver of a vehicle shall drive between the vehicles or persons comprising a parade when such vehicles or persons are in motion and are conspicuously designated as a parade.

(c) Parking on Parade Route. The Chief of Police shall have the authority, when reasonably necessary, to prohibit or restrict the parking of vehicles along a highway or part thereof constituting a part of the route of a parade. The Chief of Police shall post signs to such effect, and it shall be unlawful for any person to park or leave unattended any vehicle in violation of such signs. No person shall be liable for parking on a street unposted in violation of this chapter.
(Ord. 91-8. Passed 4-15-91.)

442.11 REVOCATION OF PERMIT.

The Chief of Police shall, after advising the Board of Trustees, have the authority to revoke a parade permit issued under this chapter upon violation of the standards for issuance as herein set forth.
(Ord. 91-8. Passed 4-15-91.)

442.99 PENALTY.

Any person found liable/guilty by a preponderance of the evidence of a violation of this chapter in an administrative/judicial hearing shall be subject to a Class II fine, plus applicable hearing costs, as provided in Section 422.99 of this code.
(Ord. 91-8. Passed 4-15-91; Ord. 2012-23. Passed 11-19-12.)

CHAPTER 444
Traffic Control Devices

- 444.01 Through, stop, yield right-of-way, one-way regulated traffic controlled streets.
- 444.99 Penalty.

CROSS REFERENCES

- Power to designate through highways, stop intersections and yield right-of-way intersections - see ILCS 625/5, Secs. 11-208(a)(6), 11-302
- Signs giving notice of traffic regulations - see ILCS 625/5, Sec. 11-208(b)
- Local traffic control devices - see ILCS 625/5, Sec. 11-304
- Obedience to and required traffic control devices - see ILCS 625/5, Sec. 11-305
- Vehicle entering stop or yield intersection - see ILCS 625/5, Sec. 11-904

444.01 THROUGH, STOP, YIELD RIGHT-OF-WAY, ONE-WAY AND REGULATED TRAFFIC CONTROLLED STREETS.

(a) The Superintendent of Public Works, or any other person authorized by the Village President and the Board of Trustees, shall cause stop signs to be posted at all streets when deemed necessary by the Village President and the Board of Trustees for the safety of the public. An updated list of such stop streets shall be kept on file in the office of the Village and in the Public Works office for public information.

(b) The Superintendent, or any other person authorized by the Village President and the Board of Trustees, shall cause “yield right-of-way” street signs to be posted at all streets when deemed necessary by the Village President and the Board of Trustees for the safety of the public. An updated list of such yield streets shall be kept on file in the office of the Village and in the Public Works office for public information.

(c) The Superintendent, or any other person authorized by the Village President and the Board of Trustees, shall cause suitable signs for one-way streets or alleys, and/or for stop intersections or any other traffic control regulatory signs, to be posted at all areas when deemed necessary by the Village President and the Board of Trustees for the safety of the public. An updated list of such streets, alleys and intersections shall be kept on file in the office of the Village and in the Public Works office for public information.

(d) The Superintendent of Public Works, or any other person authorized by the Village President and the Board of Trustees, shall cause traffic control signs to be posted at all streets when deemed necessary by the Village President and the Board of Trustees for the safety of the public. An updated list of such locations that regulatory signs are posted shall be kept on file in the office of the Village and in the Public Works office for public information.

(Ord. 90-11. Passed 6-18-90.)

(e) In accordance with the above regulations, stop signs shall be posted at the following locations:

- (1) East-bound Valley Dr. at Main St.;
- (2) West-bound Valley Dr. at Center St.;
- (3) West-bound Wright St. at Center Dr.;
- (4) East-bound Wright St. at First St.;
- (5) North-bound Center St. at Rt. 38;
- (6) South-bound Center St. at Prairie Valley St.;
- (7) West-bound Conley Dr. at First St.;
- (8) South-bound Conley Dr. at Prairie Valley St.;
- (9) North-bound Warne Ct. at Conley Dr.;
- (10) North-bound Morrill Ln. at Conley Dr.;
- (11) West-bound Hoyt Dr. at Conley Dr.;
- (12) East- & west-bound Prairie Valley St. at Main St.;
- (13) East-bound Prairie Valley St. at Anderson Rd.;
- (14) North-bound Anderson Rd. at Rt. 38;
- (15) South-bound Anderson Rd. at Prairie Valley St.;
- (16) North- and south-bound First St. at Conley Dr.;
- (17) North- and south-bound First St. at Prairie Valley St.;
- (18) North- and south-bound First St. at Lilac St.;
- (19) North- and south-bound First St. at North St.;
- (20) South-bound Gee Ct. at Prairie Valley St.;
- (21) North-bound Third St. at Prairie Valley St.;
- (22) RESERVED;
- (23) North-bound Downing St. at Prairie Valley St.;
- (24) South-bound Downing St. at Highland Dr.;
- (25) South-bound Downing St. at Willow St.;
- (26) West-bound LaVerne St. at First St.;
- (27) East-bound LaVerne St. at Third St.;
- (28) West-bound Birch Ct. at First St.;
- (29) West-bound Willow St. at First St.;

- (30) East-bound Willow St. at Third St.;
- (31) West-bound Erickson Ct. at Highland Dr.;
- (32) South-bound Highland Dr. at Willow St.;
- (33) West-bound Lilac St. at First St.;
- (34) RESERVED;
- (35) North- and south-bound Second St. at Reader St.;
- (36) North- and south-bound Second St. at Pierce St.;
- (37) South-bound Second St. at Shannon St.;
- (38) North- and south-bound Dempsey Dr. at North St.;
- (39) North- and south-bound Paul St. at Hicks Dr.;
- (40) South-bound Paul St. at North St.;
- (41) East- and west-bound North St. at First St.;
- (42) East-bound Capes Dr. at Main St.;
- (43) North-bound Jay St. at Reader St.;
- (44) RESERVED;
- (45) North-bound Read St. at Reader St.;
- (46) North- and south-bound Read St. at Pierce St.;
- (47) North- and south-bound Read St. at Shannon St.;
- (48) RESERVED;
- (49) North- and south-bound Babcock St. at Reader St.;
- (50) North- and south-bound Babcock St. at Pierce St.;
- (51) North- and south-bound Babcock St. at Shannon St.;
- (52) RESERVED;
- (53) North- and south-bound Gates St. at Reader St.;
- (54) North- and south-bound Gates St. at Pierce St.;
- (55) North- and south-bound Gates St. at Shannon St.;
- (56) North- and south-bound Gates St. at North St.;
- (57) East- and west-bound Shannon St. at Gates St.;
- (58) East- and west-bound Shannon St. at Main St.;
- (59) RESERVED;
- (60) East- and west-bound Pierce St. at Main St.;
- (61) East- and west-bound North St. at Main St.;
- (62) East- and west-bound Nebraska St. at Main St.;
- (63) East- and west-bound South St. at Main St.;
- (64) East- and west-bound Swain St. at Main St.;
- (65) West-bound Swain St. at Filmore St.;
- (66) East-bound Stetzer St. at Main St.;
- (67) West-bound Stetzer St. at Cambridge Ave.;
- (68) North-bound Filmore St. at South St.;
- (69) South-bound Filmore St. at Stetzer St.;
- (70) North-bound Parkside Dr. at South St.;
- (71) South-bound Parkside Dr. at Stetzer St.;
- (72) North-bound Saratoga Dr. at South St.;

- (73) South-bound Saratoga Dr. at Stetzer St.;
- (74) North-bound Cambridge Ave. at South St.;
- (75) West-bound Maple Ave. at Cambridge Ave.;
- (76) East-bound Maple Ave. at Johnson Ave.;
- (77) East-bound Banbury Ave. at Johnson Ave.;
- (78) North-bound Johnson Ave. at Stetzer St.;
- (79) South-bound Thryselius Dr. at Keslinger Rd.;
- (80) East- and west-bound Nebraska St. at First St.;
- (81) West-bound Kansas St. at Main St.;
- (82) RESERVED;
- (83) East- and west-bound South St. at First St.;
- (84) East-bound Swain St. at First St.;
- (85) North-bound First St. at Swain St.;
- (86) North-bound Second St. at Nebraska St.;
- (87) North- and south-bound Second St. at Kansas St.;
- (88) South-bound Second St. at South St.;
- (89) RESERVED;
- (90) North- and south-bound Third St. at Kansas St.;
- (91) RESERVED;
- (92) South-bound First St. at IL Rt. 38;
- (93) North-bound First St. at Walker Dr.;
- (94) South-bound Walker Ct. at Walker Dr.;
- (95) South-bound Collins Dr. at Walker Dr.;
- (96) East-bound Ream Dr. at Collins Dr.;
- (97) South-bound Snow Dr. at Walker Dr.;
- (98) West-bound Walker Dr. at IL Rt. 47;
- (99) South-bound Shepherd Ln. at Prairie Valley St.;
- (100) South-bound Drover St. at Prairie Valley St.;
- (101) East-bound Shannon St. at Third St.;
- (102) South-bound Third St. at North St.;
- (103) East-bound Tiller St. at Shepherd Ln.;
- (104) North- and south-bound Ridge Dr. at Prairie Valley St.;
- (105) East-bound Kansas St. at First St.;
- (106) West-bound Kansas St. at First St.;
- (107) South-bound Sharp Ct. at Prairie Valley St.;
- (108) South-bound Weston Ct. at Prairie Valley St.;
- (109) North-bound Highview Ct. at Highland Dr.;
- (110) South-bound Ridge at Willow St.;
- (111) North- and south-bound First St. at Kansas St.;
- (112) South-bound Johnson at Keslinger Rd.;
- (113) North-bound Liberty Dr. at Keslinger Rd.;
- (114) South-bound Johnson at Keslinger Rd.;
- (115) West-bound Kindberg Ct. (north end) at Liberty Dr.;

- (116) East-bound Gray St. and Liberty Dr.;
- (117) East-bound Stoffa Ave. at Liberty St.;
- (118) West-bound Kindberg Ct. (south end) at Liberty Dr.;
- (119) East-bound Holbrook Ave. at Liberty Dr.;
- (120) North- and south-bound Liberty Dr. at Patriot Parkway;
- (121) East- and west-bound Patriot Parkway at Liberty Dr.;
- (122) North- and south-bound Kendall St. at Patriot Parkway;
- (123) North- and south-bound Berry St. at Patriot Parkway;
- (124) North- and south-bound President St. at Patriot Parkway;
- (125) North-bound Robinson St. at Patriot Parkway;
- (126) North-bound Wise St. at Patriot Parkway;
- (127) East- and west-bound Patriot Parkway at Citizen Ave.;
- (128) East- and west-bound Patriot Parkway at Anderson Rd.;
- (129) North- and south-bound Anderson Rd. at Patriot Parkway;
- (130) East- and west-bound Citizen Ave. at Anderson Rd.;
- (131) North-bound Citizen Ave. at Patriot Parkway;
- (132) West-bound Melbourne St. at Anderson Rd.;
- (133) East-bound Seaton St. at Anderson Rd.;
- (134) East- and west-bound Independence Ave. at Anderson Rd.;
- (135) South-bound Anderson Rd. at Hughes Rd.;
- (136) West-bound Griffith Ave. at Anderson Rd.;
- (137) West-bound Pattee Ave. at Anderson Rd.;
- (138) South-bound Swan Dr. at Patriot Parkway;
- (139) South-bound Motz St. at Patriot Parkway;
- (140) North- and south-bound Corrigan St. at Patriot Parkway;
- (141) East-bound Patriot Parkway at Blackberry Creek Dr.;
- (142) East-bound Corrigan St. at Blackberry Creek Dr.;
- (143) East- and west-bound Independence Ave. at Blackberry Creek Dr.;
- (144) West-bound Lakin Ave. at Blackberry Creek Dr.;
- (145) West-bound Beed Ave. at Blackberry Creek Dr.;
- (146) West-bound Souders Ave. at Blackberry Creek Dr.;
- (147) West-bound Lance Ave. at Blackberry Creek Dr.;
- (148) South-bound Blackberry Creek Dr. at Hughes Rd.;
- (149) North-bound Spring Valley Dr. at Hughes Rd.;
- (150) East-bound Carolyn Ct. at Spring Valley Dr.;
- (151) West-bound Veteran Ave. at Anderson Rd.;
- (152) West-bound Freedom Rd. at Anderson Rd.;
- (153) East- and west-bound Freedom Rd. at Blackberry Creek Dr.;
- (154) East- and west-bound Veteran Ave. at Blackberry Creek Dr.;
- (155) East- and west-bound Pattee Ave. at Blackberry Creek Dr.;
- (156) East- and west-bound Griffith Ave. at Blackberry Creek Dr.;
- (157) West-bound Remington Ave. at Blackberry Creek Dr.;
- (158) West-bound Spalding Ave. at Blackberry Creek Dr.;

- (159) South-bound Cline Ave. (east and west ends) at Freedom Rd.;
- (160) South-bound Reeves St. at Freedom Rd.;
- (161) North- and south-bound Turnbull St. at Freedom Rd.;
- (162) North-bound Founder St. at Freedom Rd.;
- (163) North-bound Bowdish St. at Freedom Rd.;
- (164) East-bound Veteran Ave. at Fairfield Dr.;
- (165) East-bound Pattee Ave. at Fairfield Dr.;
- (166) East-bound Griffith Ave. at Fairfield Dr.;
- (167) East-bound Remington Ave. at Fairfield Dr.;
- (168) East-bound Spalding Ave. at Fairfield Dr.;
- (169) East-bound Lance Ave. at Fairfield Dr.;
- (170) East-bound Souders Ave. at Fairfield Dr.;
- (171) East-bound Beed Ave. at Fairfield Dr.;
- (172) East-bound Dodson Ave. at Fairfield Dr.;
- (173) West-bound Richmond Ave. at Wise St.;
- (174) Rt. 47 (300 feet south of Rt. 38) at exit from shopping center;
- (175) Rt. 38 (500 feet west of Rt. 47) at exit from shopping center;
- (176) North-bound Blackberry Creek Dr. at Keslinger Rd.;
- (177) North- and south-bound Anderson Rd. at Keslinger Rd..

(f) In accordance with the above regulations, yield signs shall be posted at the following locations:

- (1) North-bound Berry St. at Holbrook Ave.;
- (2) North-bound Kendall St. at Holbrook Ave.;
- (3) North- and south-bound Wise St. at Republic Ave.;
- (4) North- and south-bound Robinson St. at Republic Ave.;
- (5) North- and south-bound President St. at Republic Ave.;
- (6) South-bound Berry St. at Republic Ave.;
- (7) South-bound Kendall St. at Republic Ave.;
- (8) South-bound Seaton St. at Independence Ave.;
- (9) South-bound Melbourne St. at Independence Ave.;
- (10) East-bound Citizen Ave. at Corrigan St.;
- (11) South-bound Sears Circle (east and west end) at Freedom Rd.;
- (12) North-bound Motz St. at Freedom Rd.;
- (13) North- and south-bound Motz St. at Veteran Ave.;
- (14) North- and south-bound Motz St. at Pattee Ave.;
- (15) North- and south-bound Motz St. at Griffith Ave.;
- (16) North-bound Swan Dr. at Griffith St.;
- (17) North-bound Corrigan St. at Griffith Ave.;
- (18) North-bound Turnbull St. at Cline Ave.;
- (19) North-bound Reeves St. at Cline Ave.;
- (20) South-bound Turnbull St. at Veteran Ave.;
- (21) West-bound Clark Ave. at Turnbull St.;

- (22) East-bound Clark Ave. at Founder St.;
- (23) South-bound Bowdish St. at Veteran Ave.;
- (24) North- and south-bound Founder St. at Veteran Ave.;
- (25) North- and south-bound Founder St. at Pattee Ave.;
- (26) North- and south-bound Founder St. at Griffith Ave.;
- (27) North- and south-bound Founder St. at Remington Ave.;
- (28) South-bound Founder St. at Spalding Ave.;
- (29) North-bound Settler St. at Lance Ave.;
- (30) North- and south-bound Settler St. at Souders Ave.;
- (31) North- and south-bound Settler St. at Beed Ave.;
- (32) South-bound Settler St. at Independence Ave.;
- (33) South-bound Lakin Ave. at Independence Ave.;
- (34) South-bound Dodson Ave. at Independence Ave.;
- (35) North-bound Wheeler St. at Souders Ave.;
- (36) North- and south-bound Wheeler at Beed Ave.;
- (37) South-bound Wheeler St. at Dodson Ave.;
- (38) West-bound Stoffa Ave. at President St.;
- (39) West-bound Holbrook Ave. at President St.;

(g) In accordance with the above regulations, traffic control regulatory signs shall be posted at the following locations:

- (1) West-bound Prairie Valley St. at John Stewart Elementary School west parking lot entrance, “No Left Turn” on school days 8:00 - 9:00 a.m. & 3:00 - 4:00 p.m.;
- (2) North-bound Anderson Rd. at south parking lot entrance to Blackberry Elementary School, “No Left Turn”;
- (3) South-bound Anderson Rd. at south parking lot entrance to Blackberry Elementary School, “No Right Turn”;
- (4) South parking lot entrance to Blackberry Elementary School, “Do Not Enter”;
- (5) West-bound Griffith Ave. at Anderson Rd., “No Left Turn” on school days, 8:00 - 9:00 a.m. & 3:00 - 4:00 p.m.”;
- (6) South-bound Anderson Rd. at Griffith Ave., “No Left Turn” on school days, 8:00 - 9:00 a.m. & 3:00 - 4:00 p.m.”;
- (7) North-bound Center St. at Route 38, “Right Turn Only”;
- (8) West-bound Valley Dr. at Route 47, “Right Turn Only”;
- (9) North-bound Route 47 at entrance to gas station (100 feet south of Route 38), “No Left Turn”;
- (10) South-bound Route 47 at Valley Dr., “No Left Turn”;
- (11) West-bound Route 38 at entrance to gas station (100 feet west of route 47), “No Left Turn”;
- (12) Route 47 (100 feet south of Route 38) at gas station, “Right Turn Only” from the gas station;

- (13) Route 38 (100 feet west of Route 47) at gas station, “Right Turn Only” from the gas station;
- (14) North-bound Route 47 (Main St.) (50 feet north of railroad tracks), “No Left Turn”;
- (15) East-bound Route 38 at Center St., “No Trucks over 16,000 pounds GVWR, Registered Weight or Actual Weight”;
- (16) West-bound Route 38 at Center St., “No Left Turn”;
- (17) North-bound Route 47 at Valley Dr., “No Trucks over 16,000 pounds GVWR, Registered Weight or Actual Weight”;
- (18) North- and south-bound Third St. between North St. and Shannon St., “No Trucks over 16,000 pounds GVWR, Registered Weight or Actual Weight”;
- (19) Route 47 (300 feet south of Rt. 38) at exit from shopping center, “Right Turn Only”;
- (20) North-bound Anderson Road at Freedom Road, “Official Vehicles Only beyond this point”.
(Ord. 98-22. Passed 9-21-98; Ord. 2000-14. Passed 8-7-00; Ord. 2007-12. Passed 7-9-07; Ord. 2010-13. Passed 3-15-10.)

444.99 PENALTY.

Any person found liable/guilty by a preponderance of the evidence of a violation of this chapter in an administrative/judicial hearing shall be subject to a Class II fine, plus applicable hearing costs, as provided in Section 422.99 of this code.
(Ord. 2012-23. Passed 11-19-12.)

CHAPTER 446
Obstructing Public Ways

446.01 Obstructions.
446.02 Vehicles.

446.99 Penalty.

446.01 OBSTRUCTIONS.

(a) It shall be unlawful for any person to cause, create or maintain any obstruction upon any street, alley, sidewalk or anywhere within a public right-of-way, except as may be specifically authorized in this chapter.

(b) The sweeping or depositing into any gutter, street or alley, or other public way or place within the Village, the accumulation of litter from any building or lot or from any public or private sidewalk or driveway is prohibited.

(c) For the purpose of this section, an obstruction may be any natural or artificial object. Obstructions shall include, but not be limited to the following:

- (1) Objects which interfere with the snow plowing operations of the Village, including the depositing or blowing of snow from private property onto or across a publicly-maintained street or right-of-way.
- (2) Objects which are likely to result in damage to any Village vehicle or other equipment.
- (3) Objects which tend to impede the flow of traffic or interfere in a dangerous manner with the visibility of pedestrians, bicyclists or the drivers of motor vehicles.
- (4) Objects which have been placed at a location in violation of other ordinances of the Village.
- (5) Objects which, by their nature or placement, would be likely to cause injuries to persons or property.
- (6) Objects which will impede or interfere with the efficient operation of Village or other governments to utilize the public right-of-way or facilities placed therein.

(d) Any object which constitutes an unlawful obstruction may be removed without regard to the length of time it has remained upon the public right-of-way.

(e) No person may be required to remove an unlawful obstruction without first having received a written notice, by certified or registered mail or personal service, to remove the obstruction within ten days of the date of the notice. If the obstruction constitutes an immediate danger to public health and safety, it may be removed without the notification having been given. However, if sufficient time exists to notify the owner to remove the obstruction, the Village shall attempt to do so. After the notice required under this section has been given, and the obstruction has not been removed, the Village officials may remove the obstruction using reasonable care.

(f) It shall be unlawful to throw, kick or knock any ball, stones or other hard substances, or play ball or engage in any sport, exercise or other recreational activity upon any public street or place so as to endanger persons or property, or obstruct or impede pedestrian or vehicular traffic.

(g) Persons owning or occupying property shall keep the sidewalk in front of their premises free of litter.
(Ord. 2001-27. Passed 12-17-01.)

446.02 VEHICLES.

The driving or moving of any truck or other vehicle within the Village, unless such vehicle is so constructed or loaded as to prevent any load, contents or litter from being blown or deposited upon any street, alley or other public place, is prohibited. No person shall drive or move any vehicle or truck within the Village, the wheels or tires of which carry onto or deposit in any street, alley or other public place, mud, dirt, sticky substances, litter or foreign matter of any kind.
(Ord. 2001-27. Passed 12-17-01.)

446.99 PENALTY.

Any person found liable/guilty by a preponderance of the evidence of a violation of this chapter in an administrative/judicial hearing shall be subject to a Class II fine, plus applicable hearing costs, as provided in Section 422.99 of this code.
(Ord. 2001-27. Passed 12-17-01; Ord. 2012-23. Passed 11-19-12.)

TITLE SIX - Vehicles and Operation

- Chap. 460. Operation Generally.
 Chap. 462. Licensing of Motor Vehicles. (Repealed)
 Chap. 464. Storage or Abandonment of Unlicensed and/or
 Inoperable Vehicles.
 Chap. 466. Commercial and Heavy Vehicles.
 Chap. 468. Truck Routes and Traffic.
 Chap. 470. Snowmobiles.
 Chap. 472. Seizure and Impounding of Vehicles.

CHAPTER 460
 Operation Generally

- | | |
|----------------------------|--------------------------------------|
| 460.01 Speed restrictions. | 460.03 Riding on outside of vehicle. |
| 460.02 U-turns prohibited. | 460.99 Penalty. |

CROSS REFERENCES

- Operation on right side of roadway - see ILCS 625/5, Secs. 11-701, 11-702
 Overtaking of vehicles - see ILCS 625/5, Secs. 11-703 et seq.
 Following too closely - see ILCS 625/5, Sec. 11-710
 Turning on highways - see ILCS 625/5, Secs. 11-801 et seq.
 Rules of right-of-way of vehicles - see ILCS 625/5, Secs. 11-901 et seq., 11-1205
 Operation upon approach of authorized emergency vehicles - see ILCS 625/5,
 Sec. 11-907
 Driving through parades - see TRAF. 442.10(b)
 Operation of snowmobiles - see TRAF. 470.05

460.01 SPEED RESTRICTIONS.

(a) As set forth at subsection (b) below, the President and the Village Board have determined, based upon the provisions of Section 11-604 of the Illinois Vehicle Code and traffic and engineering investigations and studies of the streets of the Village, that the maximum speed limit prescribed under Section 11-601 of the Illinois Vehicle Code is greater than reasonable or safe with respect to conditions found to exist along the local streets in the Village.

(b) Except as modified in subsections (c), (d) and (e) below, it shall be unlawful for any vehicle to be driven upon the streets, highways or roadways within the Village at a speed greater than twenty-five miles per hour, or which is greater than is reasonable and proper with regard to traffic conditions, or at such other posted speed

limits established and posted under the Illinois Vehicle Code or subsections (c), (d) and (e) below. Posted speed limits in posted school zones and construction zones take precedence over any other posted speed zone restriction.

(c) The maximum twenty-five miles per hour speed limit shall not apply to the following streets, highways and roadways which are under the jurisdiction of the State of Illinois or the County of Kane:

- (1) Illinois State Rt. 38;
- (2) Illinois State Rt. 47;
- (3) Keslinger Road;
- (4) Hughes Road.

(d) Notwithstanding the provisions of the Illinois Vehicle Code, the speed limit on the following streets shall be thirty miles per hour:

- (1) Anderson Rd. between Keslinger Rd. and Railroad St.;
- (2) Railroad St. between Anderson Rd. and the Metra Commuter Train Station .

(e) Notwithstanding the provisions of the Illinois Vehicle Code, the speed limit on the following streets shall be thirty-five miles per hour:

- (1) Pouley Rd. between Keslinger Rd. and Hughes Rd.;
- (2) Anderson Rd. between Prairie Valley St. and Rt 38.
(Ord. 98-22. Passed 9-21-98; Ord. 2000-14. Passed 8-7-00; Ord. 2007-12. Passed 7-9-07.)

460.02 U-TURNS PROHIBITED.

No person shall make a U-turn in any vehicle upon any part of Main Street between the Union Pacific railroad tracks and Shannon Street. The Superintendent of Public Works shall post or cause to be posted suitable signs giving notice thereof. (Ord. 87-11. Passed 8-3-87; Ord. 2006-13. Passed 8-7-06; Ord. 2007-12. Passed 7-9-07.)

460.03 RIDING ON OUTSIDE OF VEHICLE.

No person shall ride upon the fenders, running board or outside of any vehicle, with the exception of emergency vehicles when responding to an emergency. (Ord. 87-7. Passed 3-16-87; Ord. 2007-12. Passed 7-9-07.)

460.99 PENALTY.

Any person found liable/guilty by a preponderance of the evidence of a violation of this chapter in an administrative/judicial hearing shall be subject to a Class II fine, plus applicable hearing costs, as provided in Section 422.99 of this code. (Ord. 2012-23. Passed 11-19-12.)

CHAPTER 462
Licensing of Motor Vehicles

EDITOR'S NOTE: Chapter 462 was repealed in its entirety by Ordinance 2000-1, passed January 17, 2000.

EDITOR'S NOTE: BECAUSE OF THE 2001 UPDATING AND REVISION OF THESE CODIFIED ORDINANCES, THE NEXT NUMBERED PAGE IS PAGE 23.

CHAPTER 464
Storage or Abandonment of Unlicensed
and/or Inoperable Vehicles

464.01 Purpose.	464.04 Notification of violations; correction; removal by Village.
464.02 Definitions.	464.99 Penalty.
464.03 Storage or abandonment prohibited.	

CROSS REFERENCES

Offenses relating to motor vehicles and other vehicles - see Ill. R.S.

Ch. 95-1/2, Sec. 4-102

Offenses relating to titles and registration - see Ill. R.S. Ch. 95-1/2, Sec. 4-104

State law re abandoned vehicles - see Ill. R.S. Ch. 95-1/2, Secs. 4-201 et seq.

Parking - see TRAF. Ch. 480

464.01 PURPOSE.

The purpose of this chapter is to restrict the storage of unlicensed and/or inoperable vehicles under such conditions and in such locations that such storage may constitute a public nuisance.

(Ord. 90-11. Passed 6-18-90.)

464.02 DEFINITIONS.

As used in this chapter:

- (a) "Abandoned" means any vehicle left unattended for more than seven days on a public street or highway.
- (b) "Inoperable" means not capable of being operated.
- (c) "Unlicensed" means not having a State or Village vehicle sticker.
- (d) "Vacant property" means property having no buildings thereon or having buildings which have remained unoccupied for a period of sixty days or more.

(Ord. 90-11. Passed 6-18-90.)

464.03 STORAGE OR ABANDONMENT PROHIBITED.

No inoperable vehicle, no vehicle without a Village sticker, and no unlicensed vehicle or parts therefor, shall be kept, deposited or stored in the open in any urban district or on any public street of the Village, except on property zoned to permit such storage. (Ord. 90-11. Passed 6-18-90.)

464.04 NOTIFICATION OF VIOLATIONS; CORRECTION; REMOVAL BY VILLAGE.

(a) Notification of a violation shall be given by written notice, either personally served upon the owner or an occupant of the premises at which the vehicle is located, or sent by registered or certified mail addressed to the owner or occupant of said premises or to the last known address of said owner or occupant. If personally served, the notice shall be served by a Village police officer.

(b) A violation shall be corrected within a period of thirty days from the notification of such violation. Notification shall be deemed given as of the date of service if personally served, or as of the date of postmark if the notice is mailed.

(c) Thirty days after the notification of a violation has been given, the Village may cause the vehicle to be removed and towed away by a commercial towing service. The vehicle shall be stored on Village property or in a public garage or parking lot. All costs of towing, storage or other action shall be charged to the person responsible for the violation and shall constitute a lien against the property until paid. (Ord. 90-11. Passed 6-18-90.)

464.99 PENALTY.

Any person found liable/guilty by a preponderance of the evidence; of a violation of this chapter in an administrative/judicial hearing shall be subject to a Class I fine, plus applicable hearing costs, as provided in Section 422.99 of this code. (Ord. 2012-23. Passed 11-19-12.)

CHAPTER 466
Commercial and Heavy Vehicles

- | | | | |
|--------|---------------------------------------|--------|---|
| 466.01 | Trucks prohibited on certain streets. | 466.03 | Trucks exceeding 16,000 pounds by registration prohibited on certain streets. |
| 466.02 | Weight limits; exceptions. | 466.99 | Penalty. |

CROSS REFERENCES

Dimensions of vehicles - see Ill. R.S. Ch. 95-1/2, Secs. 15-102 et seq.
 Spilling loads on highways - see Ill. R.S. Ch. 95-1/2, Sec. 15-109
 Towed vehicles - see Ill. R.S. Ch. 95-1/2, Sec. 15-110
 Wheel and axle loads and gross weights - see Ill. R.S. Ch. 95-1/2, Sec. 15-111
 Truck routes and traffic - see TRAF. Ch. 468

466.01 TRUCKS PROHIBITED ON CERTAIN STREETS.

It shall be unlawful to drive a truck on any street where it is posted that trucks are prohibited.

(Ord. 90-11. Passed 6-18-90.)

466.02 WEIGHT LIMITS; EXCEPTIONS.

It shall be unlawful to operate any vehicle on any street in the Village when the gross weight on the surface of the road through any axle of such vehicle exceeds 4,000 pounds. It shall likewise be unlawful to operate a vehicle in excess of posted weight limitations, except for the purpose of making a delivery or the picking up of a load, in which case such vehicle may be driven on such street for not more than the minimum distance necessary to accomplish such purpose, except East North Street and Thryselius Drive.

(Ord. 90-11. Passed 6-18-90.)

466.03 TRUCKS EXCEEDING 16,000 POUNDS BY REGISTRATION PROHIBITED ON CERTAIN STREETS.

No truck exceeding 16,000 pounds maximum weight by registration shall be permitted on Third Street between North Street and Shannon Street.

(Ord. 2000-14. Passed 8-7-00.)

466.99 PENALTY.

Any person found liable/guilty by a preponderance of the evidence of a violation of this chapter in an administrative/judicial hearing shall be subject to fines and penalties as provided in Chapter 15 (Size, Weight, Load and Permits) of the Illinois Vehicle Code (625 ILCS 5/15-101 et seq.) as amended from time to time, plus applicable hearing costs, as provided in Section 422.99 of this code.
(Ord. 2012-23. Passed 11-19-12.)

CHAPTER 468
Regulating Size and Weight of Vehicles

468.01	Definitions of words and phrases.	468.04	Vehicles prohibited on certain streets.
468.02	Overweight and/or overdimension (length, width, height) vehicles.	468.05	Oversize/overweight vehicles permitted on certain streets.
468.03	Permits for overweight and/or overdimension vehicles.	468.99	Penalty.

CROSS REFERENCES

Dimensions of vehicles - see 625 ILCS 5/15-102 et seq.
 Spilling loads on highways - see 625 ILCS 5/15-109
 Towed vehicles - see 625 ILCS 5/15-110
 Wheel and axle loads and gross weights - see 625 ILCS 5/15-111
 Street obstructions and special uses - see TRAF. Ch. 440
 Trucks prohibited on certain streets - see TRAF. 466.01

468.01 DEFINITIONS OF WORDS AND PHRASES.

The following words and phrases when used in this chapter shall, for the purpose of this Code, have the meanings respectively ascribed to them in this chapter, except when the context otherwise requires and except where another definition set forth in another chapter of this Code and applicable to that chapter or a designated part thereof is applicable.

- (a) "Axle load." The total load transmitted to the road by all wheels whose centers may be included between two parallel transverse vertical planes 40 inches apart extending across the full width of the vehicle.
- (b) "Commercial vehicle." Any vehicle operated for the transportation of persons or property in the furtherance of any commercial or industrial enterprise, for-hire or not-for-hire, but not including a commuter van, a vehicle used in a ridesharing arrangement when being used for that purpose, or a recreational vehicle not being used commercially.
- (c) "Construction vehicle." Any vehicle over 10,000 pounds actual weight, registered gross weight or G.V.W.R. that is required to comply with ILCS 625, Act 5, § 12-712 and § 12-713 on identification required to be displayed.
- (d) "Gross vehicle weight rating (GVWR)." The value specified by the manufacturer or manufacturers as the maximum loaded weight of a single vehicle. The GVWR of a combination of vehicles (commonly referred to as the

“Gross combination weight rating” or GCWR) is the GVWR of the power unit plus the GVWR of the towed unit or units. In the absence of a value specified by the manufacturer, GCWR is determined by adding the GVWR of the power unit and the total weight of the towed unit and any load on the unit.

- (e) “Gross weight.” The weight of a vehicle whether operated singly or in combination without load plus the weight of the load thereon.
- (f) “Highway.” The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.
- (g) “Implement of husbandry.” Every vehicle as defined in the Illinois Vehicle Code and designed and adapted exclusively for agricultural, horticultural, or livestock raising operations, including farm wagons, wagon trailers or like vehicles used in connection therewith, or for lifting or carrying an implement of husbandry.
- (h) “Motor vehicle.” Every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails, except for vehicles moved solely by human power and motorized wheelchairs. For this chapter, motor vehicles are divided into two divisions:
 - (1) First division: Those motor vehicles, which are designed for the carrying of not more than 10 persons.
 - (2) Second division: Those motor vehicles which are designed for carrying more than 10 persons, those motor vehicles designed or used for living quarters, those motor vehicles which are designed for pulling or carrying freight, cargo or implements of husbandry, and those motor vehicles of the first division remodeled for use and used as motor vehicles of this second division.
- (i) “Permit route.” The route authorized by the issuing authority with proper jurisdiction over the roadway(s) for which permission has been granted to move a vehicle or combination of vehicles that is in itself indivisible or carrying an indivisible load that exceeds normal dimensions or weight or a combination thereof.
- (j) “Semitrailer.” Every vehicle without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle
- (k) “Tandem axles.” Any two or more single axles whose centers are more than 40 inches and not more than 96 inches apart, measured to the nearest inch between extreme axles in the series, except as provided in Section 15-111 [625 ILCS 5/15-111], for special hauling vehicles.
- (l) “Trailer.” Every vehicle without motive power in operation, other than a pole trailer, designed for carrying persons or property and for being drawn by a

motor vehicle and so constructed that no part of its weight rests upon the towing vehicle.

- (m) "Truck tractor." Every motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.
- (n) "Village" is the Village of Elburn.
(Ord. 2002-07. Passed 3-4-02; Ord. 2012-21. Passed 10-15-12.)

468.02 OVERWEIGHT AND/OR OVERDIMENSION (LENGTH, WIDTH, HEIGHT) VEHICLES.

(a) It shall be unlawful for any person to be in control of, to drive, to park, or move on, upon or across or for the owner to cause or knowingly permit to be parked, driven, or moved upon or across, any street or highway under the jurisdiction of the village, any vehicle or combination of vehicles exceeding the size and weight limitations stated in the ILCS Ch. 625, Act 5, § 15-102 (width), ILCS Ch. 625, Act 5, § 15-103 (height), ILCS Ch. 625, Act 5, § 15-107 (length), ILCS Ch. 625, Act 5, § 15-111 (weight) and ILCS Ch. 625, Act 5, § 15-316 (local restrictions).

(b) Size and weight limitations while operating on Village streets shall not apply to fire apparatus or equipment for snow or ice removal operations owned or operated by or for any governmental body, or to implements of husbandry temporarily operated or towed in a combination in the furtherance of a farm or agricultural endeavor, and to any vehicle or combination of vehicles operating under the terms of a valid oversize and/or dimension permit issued by the village under the authority of Section 468.03. These exceptions do not include operation over a posted weight restricted elevated structure.

(c) Where lower size and weight limits or other restrictions are imposed by ordinance under authority of ILCS Ch. 625, Act 5, § 15-111, § 15-316 and § 15-317, and signs indicating such limitations or restrictions are posted, it shall be unlawful to operate any vehicle or combination of vehicles in excess of such size or weight limitations or in violation of such restrictions.

(d) Whenever any vehicle or combination of vehicles is operated in violation of this section, the owner and/or driver of such vehicle shall be deemed guilty of such violation, and either or both the owner and driver of such vehicle may be prosecuted for such violation.

(Ord. 2002-07. Passed 3-4-02; Ord. 2012-21. Passed 10-15-12.)

468.03 PERMITS FOR OVERWEIGHT AND/OR OVERDIMENSION VEHICLES.

(a) A permit shall be required for the movement of any vehicle or combination of vehicles with a nondivisible load on roadways and bridges within the jurisdiction of the Village which exceeds the dimensions and weights permitted for the particular roadways to be traversed.

(b) The Village, with respect to any street or highway under its jurisdiction, may upon application to the Village Police Department, on forms provided by the Police Department and good cause being shown therefor, issue a special permit authorizing the applicant to operate or move a vehicle or combination of vehicles of a size or weight of vehicle or load exceeding the maximum specified in Section 468.02. The applicant shall furnish the following information in the special permit application:

- (1) The name and address of the owner or lessee of the vehicle.
- (2) Applicant's name.
- (3) Type of permit request, whether it be for a single trip, round trip or multiple routing.
- (4) The description and registration number of the power unit.
- (5) Description of the object or vehicle to be moved.
- (6) The number of axles of the vehicle or combination of vehicles.
- (7) The maximum axle weights of all single, tandem or series axles.
- (8) Maximum gross weight of the vehicle.
- (9) The maximum width, length and height of the vehicle and load.
- (10) Requested routing over Village streets to and from a specific location.

(c) For purposes of this section, the following definitions apply:

- (1) A one-way or single trip movement means one move from the point of origin to the point of destination. Any additional stops between the point of origin and the point of destination are expressly prohibited. Single trip permits are effective for seven consecutive days from the date of issuance unless otherwise directed by the Police Department.
- (2) Round trip movement means two trips over the same route in opposite directions. Round trip permits are effective for 14 consecutive days from the date of issuance.
- (3) Multiple moves are those in such close proximity to each other in distance or in time, that the Police Department would consider incorporating two or more permit moves within one permit application. Multiple move permits, when granted by the Police Department, shall be for a period of time not to exceed 90 days from the date of issuance.

- (4) Limited Continuous Operation (LCO) permits may be issued to a vehicle and load in a like manner as the Illinois Department of Transportation upon presentation of a valid copy of the IDOT-issued LCO permit and payment of the appropriate fees established in the accompanying fee schedule.

(d) The owner or his or her agent shall submit an application fee based on the below chart for a single routing which will be valid for seven calendar days, round trip routing valid for 14 calendar days and multiple and LCO routings valid for a base period of three months. Multiple and LCO permits may be issued for a maximum of four consecutive permit periods (365 days) with the permit fee calculated in the appropriate multiples of the base three month multiple trip permit. Permits are valid only for the date periods specified on the permit and for the specific vehicle, load and routing as established by the Chief of Police or designee. No substitution of vehicle, load or routing is permitted without expressed written permission by the Chief of Police or his or her designee and the permit must be carried in the vehicle to which the permit applies.

<u>Permit size - weight</u> <u>(with load)</u>	<u>Fee Schedule</u>			
	<u>Single Trip</u>	<u>Round Trip</u>	<u>Multiple</u>	<u>LCO (per qtr.)</u>
Up to 100,000 pounds	50	75	150	150
100,001 - 120,000 pounds	75	100	200	200
120,001 - 150,000 pounds	100	125		
Over 150,000 pounds	100*	125*		

* Plus necessary and appropriate administrative, engineering and road damage fees

<u>Permit size - width</u> <u>(with load)</u>	<u>Fee</u>			
	<u>Single Trip</u>	<u>Round Trip</u>	<u>Multiple</u>	<u>LCO (per qtr.)</u>
Up to 12 ft.	25	40	75	75
12 ft. 1 in. to 13 ft. 6 in.	50	75	100	100
Over 13 ft. 6 in. wide	50*	75*		

* Plus necessary and appropriate administrative, engineering and road damage fees

<u>Permit size - height</u> <u>(with load)</u>	<u>Fee</u>			<u>LCO (per</u> <u>qtr.)</u>
	<u>Single Trip</u>	<u>Round Trip</u>	<u>Multiple</u>	
13 ft. 6 in. to 14 ft. 6 in.	25	40	75	75
Over 14 ft. 6 in.	50*	75*		

* Plus necessary and appropriate administrative, engineering and road damage fees

<u>Permit size - length</u> <u>(with load)</u>	<u>Fee</u>			<u>LCO (per</u> <u>qtr.)</u>
	<u>Single Trip</u>	<u>Round Trip</u>	<u>Multiple</u>	
Up to 100 ft.	25	40	75	75
Over 100 ft.	50*	75*		

* Plus necessary and appropriate administrative, engineering and road damage fees

Note: If a vehicle requires a permit due to multiple weight and/or dimension issues, the total fee will be based on the largest individual weight or dimension factor only.

(e) The Chief of Police or his or her designee shall prepare and make available an application and permit consistent with and as provided for in this section.

(f) The Chief of Police or his or her designee is authorized to approve the application for approved routes. Upon approval and payment of all required fees, the Police Department shall issue a permit allowing passage of the oversize and/or overweight vehicles over Village streets. The permit shall be specific and contain:

- (1) Permit number.
- (2) The dates the permit is valid.
- (3) Whether the permit is for single, round, multiple or LCO trip routing.
- (4) The description of object or vehicle to be moved.
- (5) Authorized gross weight, axle weights, width, length and height.
- (6) The authorized routing over Village streets including the origin and termination point within the Village.
- (7) The fee paid.
- (8) The date and signature of the Chief of Police or his or her designee.
- (9) In addition, the permit will specify general conditions that the permittee must comply with that are consistent and reasonable for the protection

of the general public and Village streets. A copy of all permits issued will be provided to the Village Administrator and Superintendent of Public Works for informational purposes.

(g) It is the duty of the permittee to read and familiarize himself or herself with the permit provisions upon receipt. Undertaking of the permit move is deemed prima facie evidence of acceptance of the permit and that:

- (1) The permittee is in compliance with all operation requirements;
- (2) All dimension and weight limitations specified in the permit will not be exceeded;
- (3) All operation, registration and license requirements have been complied with;
- (4) All financial responsibilities, obligations and other legal requirements have been met; and
- (5) The permittee assumes all responsibility for injury or damage to persons or to public or private property, including his or her own, or to the object being transported, caused directly or indirectly by the transportation or movement of vehicles and objects authorized under the permit. He or she agrees to hold the Village harmless from all suits, claims, damages, or proceedings of any kind, and to indemnify the Village for any claim it may be required to pay arising from the movement.

(h) The permit shall be carried in the vehicle to which the permit applies at all times while operating on streets within the Village and shall be exhibited upon demand to any law enforcement officer, police officer or authorized official of the Village.

(i) Whenever any vehicle is operated in violation of the provisions of a Village permit, whether it be by size, weight or general provisions, and either or both the owner or driver of such vehicle shall be deemed guilty and either or both the owner or the driver of such vehicle may be prosecuted for such violation.
(Ord. 2002-07. Passed 3-4-02; Ord. 2012-21. Passed 10-15-12.)

468.04 VEHICLES PROHIBITED ON CERTAIN STREETS.

(a) As provided under the authority of ILCS Ch. 625, Act 5, § 15-111 and § 15-316, it shall be unlawful to operate any vehicle upon any street where the operation of that vehicle is prohibited by ordinance and where signs of such prohibition are posted. Vehicles operating under the authority of ILCS Ch. 625, Act 5, § 15-111 or § 15-316 while utilizing Village streets under “reasonable access” rules will be considered in violation of this section if they are not utilizing the most direct route to points of loading and unloading.

(b) It shall be unlawful to operate any construction vehicle as defined herein on any street in the Village when signs are posted on that street prohibiting construction vehicles. Where the Chief of Police, with the approval of the Village Board, establishes an established truck route, construction vehicles will utilize only those established routes to service those areas of the Village under construction.

(c) It shall be unlawful to park a commercial motor vehicle on a residential street while said truck is running between the hours of 10:00 p.m. and 6:00 a.m. the following day.

(Ord. 2002-07. Passed 3-4-02; Ord. 2012-21. Passed 10-15-12.)

468.05 OVERSIZE/WEIGHT VEHICLES PERMITTED ON CERTAIN STREETS.

(a) As provided under the authority of 625 ILCS 5/15-111(f), the Village has designated the following portions of streets and/or highways as Class II designated streets. Vehicles utilizing those streets as such can be of a weight, length and width consistent with 625 ILCS 5/15-102 (width), 625 ILCS 5/15-107 (length) and 625 ILCS 5/15-111 (weight).

Class II Designated Streets

North Street	Route 47 to Read Street
North Street	Route 47 to east end
Dempsey Drive	North Street to Hicks Drive
Hicks Drive	Dempsey Drive to Anderson Road
Paul Street	North Street to Hicks Drive
Nebraska Street	Route 47 to west end
Kansas Street	Route 47 to First Street
Thryselius Drive	South Street to Kessinger Road
Stover Drive	Thryselius Drive to Herra Street
Herra Street	Stover Drive to south end

(b) The Superintendent of Public Works is authorized and directed to post or cause to be posted, streets designated as Class II truck routes as governed by division (a) of this section, and to report same to the Illinois Department of Transportation or other public agencies as otherwise required by law.

(Ord. 2002-07. Passed 3-4-02; Ord. 2012-21. Passed 10-15-12.)

468.99 PENALTY.

Any person found liable/guilty by a preponderance of the evidence of a violation of this chapter in an administrative/judicial hearing shall be subject to fines and penalties as provided in Chapter 15 (Size, Weight, Load and Permits) of the Illinois Vehicle Code (625 ILCS 5/15-101 et seq.) as amended from time to time, plus applicable hearing costs, as provided in Section 422.99 of this code.

(Ord. 2002-07. Passed 3-4-02; Ord. 2012-21. Passed 10-15-12; Ord. 2012-23. Passed 11-19-12.)

CHAPTER 470
Snowmobiles

470.01	Definitions.	470.05	Operating Requirements.
470.02	Enforcement and inspection.	470.06	Application and jurisdiction.
470.03	Registration.	470.99	Penalty.
470.04	Equipment.		

CROSS REFERENCES

Illinois Vehicle Code - see TRAF. Ch. 420
 Operation of motor vehicles generally - see TRAF. Ch. 460
 Licensing of motor vehicles - see TRAF. Ch. 462

470.01 DEFINITIONS.

As used in this chapter:

- (a) “Dangerous drug” means any drug defined as a depressant or stimulant substance in the Illinois Controlled Substance Act and cannabis as defined in the Cannabis Control Act of Illinois.
- (b) “Highway” means the entire width of the public right-of-way of any highway, road, street, avenue, alley or public driveway.
- (c) “Intoxicating beverage” means any beverage enumerated in the Liquor Control Act of the State of Illinois.
- (d) “Narcotic drug” means any substance defined as a narcotic drug in the Illinois Controlled Substance Act.
- (e) “Operate” means to ride in or on, other than as a passenger, or use or control the operation of, a snowmobile in any manner, whether or not the snowmobile is underway.
- (f) “Operator” means every person who operates or is in actual physical control of a snowmobile.
- (g) “Owner” means a person other than a lien holder, having ownership of a snowmobile, but the term excludes a lessee under a lease not intended as security.
- (h) “Peace officer” means any person authorized under statutes of the State of Illinois to make arrests for a violation of any statute or ordinance.
- (i) “Register” means the act of assigning a registration number to a snowmobile.
- (j) “Roadway” means that portion of a highway improved, designed or ordinarily used for vehicular travel, exclusive of the shoulder.

- (k) "Snowmobile" means a self-propelled device designed for travel on snow or ice or natural terrain, steered by skis or runners and supported in part by skis, belts or cleats.
(Ord. 98-1. Passed 1-19-98.)

470.02 ENFORCEMENT AND INSPECTION.

(a) Enforcement. It is the duty of all peace officers to arrest any person violating any provision of this chapter.

(b) Inspections. Peace officers may stop and inspect any snowmobile at any time for the purpose of determining compliance with the provisions of this chapter. If the peace officer discovers any violations of this chapter, he or she may issue a summons or notice to appear to the operator and/or owner of such snowmobile requiring appearance before the Kane County Circuit Court. The operator of any snowmobile shall obey the commands of the peace officer, including a command to stop.

(c) Resistance to Peace Officers. No person shall resist or obstruct any peace officer in the discharge of his or her duties under this chapter.
(Ord. 98-1. Passed 1-19-98.)

470.03 REGISTRATION.

No person shall, after the effective date of this chapter, operate any snowmobile within the corporate limits of the Village of Elburn unless such snowmobile has been registered and numbered in accordance with the provisions of the Illinois Snowmobile Registration and Safety Act. However, the following classes of snowmobiles need not be registered under this Act:

- (a) Snowmobiles owned and used by the United States or a political subdivision thereof, but such snowmobile shall prominently display the name of the owner.
- (b) Snowmobiles covered by a valid registration or license of another state which is the domicile of the owner of the snowmobile and said snowmobile is not operated within this State on more than thirty consecutive days in any calendar year.
- (c) Snowmobiles owned and operated on lands owned by the owner or operator of the snowmobile or on lands which the owner or operator has contracted to purchase or lease (other than as a member of a club or association), provided the snowmobile is not operated elsewhere in the State.
(Ord. 98-1. Passed 1-19-98.)

470.04 EQUIPMENT.

(a) Headlamps. All snowmobiles in operation shall display at least one lighted headlamp, white in color, having a minimum candle power of sufficient intensity to exhibit a white light plainly and visibly from a distance of at least 500 feet ahead during hours of darkness under normal atmospheric conditions.

(b) Tail Lights. All snowmobiles, while in operation, shall display at least one red tail light having a minimum candle power of sufficient intensity to exhibit a red light plainly visible from a distance of 500 feet to the rear during hours of darkness under normal atmospheric conditions.

(c) Brakes. All snowmobiles shall have an operating brake system in good mechanical condition.

(d) Mufflers. No snowmobile shall be sold or offered for sale or operated unless it is equipped with a sound-muffling device installed by the manufacturer and in good operating condition. Under no circumstances shall this muffler device be modified or removed by the owner or operator.

(e) Reflective Material. All snowmobiles in operation shall be equipped with reflective material of a minimum area of sixteen square inches mounted on each side of the cowling. Identifying numbers may be included in computing the required sixteen square inch area. "Cowling" means the forward portions of a snowmobile surrounding the motor and clutch assembly.

(f) Prohibited Sales. No dealer or owner of a snowmobile shall offer for sale, sell or possess for sale any snowmobile which fails to comply with this section.
(Ord. 98-1. Passed 1-19-98.)

470.05 OPERATING REQUIREMENTS.

(a) Operation on Roadways. No person shall operate any snowmobile on a roadway of any State highway or roadway, interstate highway, limited access highway, County highway, Township highway or Village of Elburn roadway or alley, except for Village of Elburn roads only as a way of access to and from commonly used snowmobile trails. During the use of Village roads, the operator shall be subject to all Village and State traffic laws governing the operation of vehicles on public roads. Snowmobiles operated on Village roads shall be driven single file, as far to the right on the roadway as possible, at a speed not to exceed ten miles per hour.

(b) State Routes 47 and 38 and Keslinger Road. Snowmobiles may not be operated less than ten feet from the roadway associated with State Route 47, State Route 38 and Keslinger Road.

(c) Speed Restrictions. Unless some other speed restriction is established by the posting of speed limit signs under the authority of the Elburn Police Department, the maximum speed limit for snowmobiles shall be as follows:

- (1) Ten miles per hour in any residential area at any time.
- (2) Ten miles per hour when operated within 300 feet of a residential area between the hours of 12:00 a.m. and 6:00 a.m.

(d) Operation on Private Property. No snowmobile shall be operated on private property without the consent of the owner or lessee thereof. Any person operating a snowmobile upon lands of another shall stop and identify himself or herself upon the request of the landowner or his or her duly authorized representative, and, if requested to do so, shall promptly remove the snowmobile from the premises.

(e) Age of Operators. No person shall operate a snowmobile without a valid driver's license, except that unlicensed operators twelve to sixteen years of age may operate snowmobiles if they have completed a State-authorized safety course and possess on their persons a valid safety certificate. A violation of this section with the knowledge of a parent or guardian shall be deemed a violation of this section by said parent or guardian.

(f) Persons Under the Influence of Intoxicating Liquor or Narcotic Drug. No person who is under the influence of intoxicating liquor may drive or be in actual physical control of any snowmobile within the Village. Further, no person who is a habitual user of or under the influence of any narcotic drug or who is under the influence of any other drug to a degree which renders the person incapable of safely driving a snowmobile may drive or be in actual physical control of any snowmobile within the Village.

(g) Alcoholic Liquor. No person shall consume any alcoholic liquor while operating a snowmobile within the Village. Any alcoholic liquor transported in a snowmobile shall be in its original package, with the seal unbroken.

(h) Firearms. No person, except a person permitted by law, shall operate or ride any snowmobile with any firearm in his or her possession, unless it is unloaded and enclosed in a carrying case, or any bow unless it is in a carrying case.

(Ord. 98-1. Passed 1-19-98.)

470.06 APPLICATION AND JURISDICTION.

Nothing in this chapter shall preclude the State of Illinois or its officers or agents from enforcing the Illinois Snowmobile Registration and Safety Act.
(Ord. 98-1. Passed 1-19-98.)

470.99 PENALTY.

Any person found liable/guilty by a preponderance of the evidence of a violation of this chapter in an administrative/judicial hearing shall be subject to a Class II fine, plus applicable hearing costs, as provided in Section 422.99 of this code.
(Ord. 2012-23. Passed 11-19-12.)

CHAPTER 472
Seizure and Impounding of Vehicles

472.01	Vehicles subject to seizure and impounding.	472.04	Preliminary review.
472.02	Seizure and impounding of vehicles.	472.05	Owner's hearing.
472.03	Release of vehicle.	472.06	Unclaimed vehicles.
		472.07	Liability for administrative fees and costs.

472.01 VEHICLES SUBJECT TO SEIZURE AND IMPOUNDING.

A motor vehicle shall be subject to seizure and impoundment under this chapter when authorized or implied by law.
(Ord. 2011-01. Passed 2-22-11.)

472.02 SEIZURE AND IMPOUNDING OF VEHICLES.

Whenever a police officer has probable cause to believe that a vehicle is subject to seizure and impoundment pursuant to Illinois law, the police officer shall cause the motor vehicle to be towed to a facility controlled by the Village or its agents. When the vehicle is towed, the police officer shall notify any person identifying himself or herself as the owner of the vehicle and any person who is found to be in control of the vehicle at the time of the alleged violation, of the fact of the seizure, and of the vehicle owner's right to request a preliminary review as provided in this chapter.
(Ord. 2011-01. Passed 2-22-11.)

472.03 RELEASE OF VEHICLE.

Unless otherwise provided by law, the vehicle will be released to the owner of record upon the payment by the owner of record of the Village's administrative fee and towing and storage costs. The owner of record will be required to present satisfactory evidence that he or she is the owner of the vehicle.
(Ord. 2011-01. Passed 2-22-11.)

472.04 PRELIMINARY REVIEW.

Where the owner of the motor vehicle seized under the provisions of this chapter requests, in writing, a preliminary review within 48 hours after the seizure of the motor vehicle, the shift supervisor of the Village Police Department shall conduct a preliminary review at the time of the filing of the written request. If police business prevents the shift supervisor from conducting the preliminary review at the time of filing, the preliminary review may be conducted at a later time, but in no case later

than 24 hours after the request is made. For purposes of this section, the following shall apply:

- (a) The preliminary review is not a hearing at which the owner of record is permitted to present evidence or testimony. The shift supervisor shall merely review the circumstances and determine whether or not the issuing officer had probable cause to believe that the vehicle was used in a statutory offense for which seizure and impoundment of the vehicle is permitted.
- (b) If, after the conclusion of the preliminary review, the shift supervisor determines that the officer had probable cause, the shift supervisor shall order the continued impoundment of the vehicle, unless the owner of the vehicle pays the Village administrative and towing and storage fees herein provided for. If the owner of the vehicle disagrees with the shift supervisor's decision, and/or pays the Village's administrative fee and costs of towing and storage under protest, he/she may request, in writing, a hearing pursuant to the procedures set forth in Section 472.05 that follows.
- (c) If the shift supervisor determines that there was no probable cause, the motor vehicle will be returned to the owner of record of the vehicle without payment of any fees or costs.

(Ord. 2011-01. Passed 2-22-11.)

472.05 OWNER'S HEARING.

(a) Notice of Hearing. Within the earlier of five days of the vehicle's impoundment, or the Village's receipt of the owner's written request for hearing, the Village shall notify the owner of the motor vehicle by certified mail, return receipt requested, and first class mail, postage prepaid, of the time, date, and location of a hearing that will be conducted to determine whether the Village had probable cause to seize it.

(b) Hearing.

- (1) Hearings shall be conducted by the Village's Public Safety Committee.
- (2) The hearing shall be held within 45 days after the vehicle was seized by the Police Department.
- (3) If, after the conclusion of the hearing, a majority of the members of the Committee of the Whole determines by a preponderance of the evidence that the vehicle was legally seized and impounded, the Committee shall order the continued impoundment of the vehicle until the owner of the vehicle pays to the Village the Village's administrative fee plus the towing and storage costs.
- (4) If the owner of record fails to appear at the hearing, the Committee shall enter an order of default in favor of the Village, which order shall ratify

the payment to the Village of the Village's administrative fee plus towing and storage fee, including any storage fees that may continue to accrue.

- (5) If the Committee determines that the vehicle should not have been seized, the motor vehicle shall be returned to the owner of record without payment of any administrative fee or cost of towing and storage; or if the vehicle had previously been returned to the owner, the Village shall refund to the owner the administrative, towing, and storage fees previously paid.

(Ord. 2011-01. Passed 2-22-11.)

472.06 UNCLAIMED VEHICLES.

If the administrative fee and applicable towing and storage fees are not paid within 30 days after the conclusion of the administrative hearing or within 30 days after an action seeking administrative review has been resolved in favor of the Village, whichever is applicable, the vehicle shall be deemed unclaimed and shall be disposed of in the manner provided by law for the disposition of unclaimed vehicles under the Illinois Vehicle Code.

(Ord. 2011-01. Passed 2-22-11.)

472.07 LIABILITY FOR ADMINISTRATIVE FEES AND COSTS.

(a) The owner of record of a motor vehicle that is seized or impounded shall be liable to the Village for an administrative fee of two hundred fifty dollars (\$250.00) in addition to any fees for the towing and storage of the motor vehicle.

(b) Fees for towing and storage are established by the towing company, and not by the Village. If the vehicle is stored on premises other than those owned by the Village, the owner of the property shall set a reasonable storage fee which shall not exceed that charged for other vehicle storage. If the Village stores the vehicle, a storage fee of thirty dollars (\$30.00) per day shall apply.

(c) A vehicle impounded pursuant to this chapter shall remain impounded until the administrative fee and all towing and storage costs are paid.

(d) Except as otherwise specifically provided by law, no owner, lienholder, or any other person shall be legally entitled to take possession of a motor vehicle impounded under this chapter until the penalty and all towing and storage costs applicable under this chapter have been paid in full.

(Ord. 2011-01. Passed 2-22-11; Ord. 2012-23. Passed 11-19-12.)

TITLE EIGHT - Parking
Chap. 480. Parking Generally.

CHAPTER 480
Parking Generally

480.01	Prohibited parking.	480.07	Parking in alleys.
480.02	Towing illegally parked vehicles.	480.08	Parking after snowfall.
480.03	Parking at cab stands and bus stands.	480.09	Police parking spaces. (Repealed)
480.04	Parallel and diagonal parking generally. (Repealed)	480.10	Locations where parking prohibited for more than a specified amount of time.
480.05	Parking on private property.	480.11	Diagonal parking on Illinois Route 47.
480.06	Posting signs where parking limited or prohibited.	480.12	Prima-facie liability.
		480.99	Penalty.

CROSS REFERENCES

Power to regulate standing or parking of vehicles - see 65 ILCS 5/11-208
 State law re stopping, standing or parking - see 65 ILCS 5/11-1301 et seq.
 Parking on parade routes - see TRAF. 442.10(c)
 Ingress to and egress from parking lots - see S.U. & P.S. 1020.04(p)

480.01 PROHIBITED PARKING.

In addition to the provisions of 625 ILCS 5/11-1301 and 625 ILCS 5/11-1303, it shall be unlawful to stop, park, or permit any vehicle to stand in any of the following places, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control devices:

- (a) Definitions. For purposes of this chapter, the following definitions shall apply:
- (1) “Commercial vehicle.” Any vehicle operated for the transportation of persons or property in the furtherance of any commercial or industrial enterprise, for-hire or not-for-hire, but not including a commuter van, a vehicle used in a ridesharing arrangement when being used for that purpose, or a recreational vehicle not being used commercially.
 - (2) “Construction vehicle.” Any vehicle over 10,000 pounds (actual weight, registered gross weight or G.V.W.R.) that is required to display the

company for which it is employed as required by 625 ILCS 5/12-712 and 625 ILCS 5/12-713.

- (3) "Highway or street." The entire width between the boundary lines of every publicly maintained right-of-way, when any part thereof is open to the use of the public for purposes of vehicular travel.
- (4) "Motor vehicle." Every vehicle which is self-propelled, except for vehicles moved solely by human power and motorized wheelchairs.
- (5) "Park or parking" means the standing of a vehicle, whether occupied or not, otherwise than when temporarily and actually engaged in loading or unloading merchandise or passengers.
- (6) "Recreational vehicle." Every camping trailer, motor home, mini motor home, travel trailer, truck camper or van camper used primarily for recreational purposes and not used commercially nor owned by a commercial business.
- (7) "Resident parking protection district" means an area of the Village designated for residents of Elburn to park their vehicles on the highway with a valid permit during the restricted hours of 3:00 a.m. to 9:00 a.m. Monday through Friday (except the holidays of New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas) and in compliance with the provisions of subsection (d) hereof.
- (8) "Semitrailer." Every vehicle without motorized power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle.
- (9) "Stand or standing" means the halting of a vehicle, whether occupied or not, otherwise than when temporarily and actually engaged in receiving or discharging passengers.
- (10) "Stop or stopping" means any halting, even momentarily, of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control signs or signals.
- (11) "Trailer." Every vehicle without motorized power in operation, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle.
- (12) "Truck tractor." Every motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.
- (13) "Vehicle." Every device, in, upon or by which any person or property is or may be transported or drawn upon a highway, except devices moved

by human power, devices used exclusively upon stationary rails or tracks and snowmobiles as defined in the Snowmobile Registration and Safety Act.

For the purposes of this Code, unless otherwise prescribed, a device shall be considered to be a vehicle until such time it comes within the definition of a junk vehicle, as defined under the Illinois Vehicle Code. For this Code, vehicles are divided into two divisions:

- A. First Division: Those motor vehicles which are designed for the carrying of not more than ten persons.
- B. Second Division: Those vehicles which are designed for carrying more than ten persons, those designed or used for living quarters, those vehicles which are designed for pulling or carrying property, freight or cargo, those motor vehicles of the First Division remodeled for use and used as motor vehicles of the Second Division, and those motor vehicles of the First Division used and registered as school buses.

(b) General Restrictions - Stopping, Standing or Parking Prohibited. Except when necessary to avoid conflict with other traffic, or in compliance with law or the directions of a police officer or official traffic control device, no person shall:

- (1) Stop, stand or park a motor vehicle, vehicle, semi-trailer or trailer:
 - A. With the vehicle's left side wheels next to the curb or edge of the roadway;
 - B. Except as otherwise provided in this section, every motor vehicle, vehicle, semi-trailer or trailer stopped or parked upon a two-way roadway shall be so stopped or parked with the right-hand wheels parallel to and within twelve inches of the right-hand curb or as close as practicable to the right-hand shoulder;
 - C. On a sidewalk;
 - D. Within an intersection;
 - E. On a crosswalk;
 - F. Between a safety zone and the adjacent curb or within thirty feet of points on the curb immediately opposite the ends of a safety zone, unless a different length is indicated by signs or markings;
 - G. Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic;
 - H. Upon any bridge or other elevated structure upon a highway or within a highway tunnel;
 - I. On any railroad tracks;
 - J. At any place where official signs prohibit stopping;
 - K. On any controlled-access highway;
 - L. In the area between roadways of a divided highway, including crossovers;

- M. In a public parking area if the vehicle does not display a current State of Illinois annual registration sticker or current temporary permit pending registration;
 - N. On any public highway or public parking facility for the intended purpose of displaying it for sale;
 - O. Upon any street from which merchandise is peddled without a Village permit;
 - P. At any place where the standing of a vehicle will reduce the usable width of the roadway for moving traffic to less than eighteen feet;
 - Q. On any parkway covered with grass and not intended by the owner of the abutting property for parking use;
 - R. On any part of a street where the curb is painted yellow, whether or not the area is designated with signs;
 - S. When the vehicle is not entirely within the designated parking space;
 - T. In any parking space which is marked by an appropriate sign as being reserved for disabled parking unless such vehicle bears any of the following designating the same to be a vehicle owned or transporting a qualified disabled individual or a veteran:
 - 1. A motor vehicle bearing Illinois registration plates issued to a person with disabilities as defined by Section 1-159.1 and 3-616 of the Illinois Vehicle Code, or to a disabled veteran pursuant to Section 3-609 or 3-609.01 of the Illinois Vehicle Code;
 - 2. A motor vehicle bearing a special decal or device issued pursuant to Section 3-616 and Section 11-1301.2 of the Illinois Vehicle Code; or
 - 3. A motor vehicle registered in another jurisdiction, state, district, territory or foreign country upon which is displayed a registration plate, special decal or device issued by the other jurisdiction designating the vehicle is operated by or for a person with disabilities.
- (2) Stand or park a motor vehicle, vehicle, semi-trailer or trailer, whether occupied or not, except momentarily to pick up or discharge passengers:
- A. In front of a public or private driveway;
 - B. Within fifteen feet of a fire hydrant;
 - C. Within twenty feet of a crosswalk at an intersection;
 - D. Within thirty feet upon the approach to any flashing signal, stop sign, yield sign, or traffic control signal located at the side of a roadway;
 - E. Within twenty feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within seventy-five feet of such entrance (when properly sign-posted);

- F. At any place where official signs prohibit standing.
- (3) Park a motor vehicle, vehicle, semi-trailer or trailer, whether occupied or not, except temporarily for the purpose of and while actively engaged in the loading or unloading of property or passengers:
 - A. Within fifty feet of the nearest rail of a railroad crossing;
 - B. At any place where official signs prohibit parking.
- (c) Specific Locations. Except when necessary to avoid conflict with other traffic, or in compliance with law or the directions of a police officer or official traffic-control devices, no person shall:
 - (1) Stop, stand or park a motor vehicle, vehicle, semi-trailer or trailer at or within the following locations:
 - A. Resident parking protection district. No parking between 3:00 a.m. to 9:00 a.m., Monday through Friday (except holidays):
 - 1. Nebraska Street, First Street to Third Street.
 - 2. Kansas Street, First Street to the east end.
 - 3. South Street, First Street to Third Street.
 - 4. Third Street, Nebraska Street to South Street.
 - 5. Second Street, Nebraska Street to South Street.
 - 6. First Street, Union Pacific Right-of Way to Oak Street.
 - 7. Oak Street from First Street to the east end.
 - B. On both sides of the Railroad Street/Anderson Road/Metra access road from Keslinger Road to the commuter parking lot;
 - C. On both sides of Walker Drive between First Street and Route 47;
 - D. On both sides of Illinois Highway 47 from Illinois Highway 38 to Prairie Valley Street;
 - E. On both sides of Illinois Highway 38 from Illinois Highway 47 to First Street;
 - F. On the west side of First Street between Laverne Street and Prairie Valley Street;
 - G. On the east side of First Street between Prairie Valley Street and Conley Drive;
 - H. On the east and west side of North First Street between Conley Drive and Illinois Highway 38;
 - I. On the south side of Conley Drive at the intersection of North First Street;
 - J. On the north side of Prairie Valley Street between Anderson Road and Ridge Drive;
 - K. On the north and south side of Prairie Valley Street between Route 47 and First Street;
 - L. On both sides of Center Street between Prairie Valley Street and Route 38;
 - M. On both sides of Reader Street to 100 feet west of Route 47;

- N. On the west side of Route 47 from North Street to a point forty feet north of the northwest corner of the intersection of North Street and Route 47;
- O. On the west side of Route 47 from North Street to a point thirty-five feet south of the southwest corner of the intersection of North Street and Route 47;
- P. On the east side of Route 47 from North Street to a point fifty feet north of the northeast corner of the intersection of North Street and Route 47;
- Q. On the east side of Route 47 from North Street to a point eighty-five feet south of the southeast corner of the intersection of North Street and Route 47;
- R. On the south side of North Street from Route 47 to a point sixty-five feet east of the southeast corner of the intersection of North Street and Route 47;
- S. On both sides of North Street from First Street to the east end of the street;
- T. On both sides of Dempsey Street from Hicks Street to the south end of the street;
- U. On both sides of Hicks Street from Dempsey Street to the east end of the street;
- V. On both sides of Paul Street from North Street to the north end of the street;
- W. On the east and west side of Main Street (Illinois Highway 47) from the Union Pacific Right of Way to South Street;
- X. On both sides of Filmore Street from Stetzer Street to South Street;
- Y. On the south side of Stover Street from Thryselius Drive to Herra Street;
- Z. On the east side of Herra Street from Stover Street to the south end;
- AA. On both sides of Patriot Parkway from Anderson Road to Liberty Street;
- BB. On both sides of Anderson Road from Patriot Parkway to Pattee Avenue;
- CC. On both sides of Anderson Road from Patriot Parkway to Citizen Street;
- DD. On that side of Anderson Road that abuts the park between Independence Street and Melbourne/Seaton Street;
- EE. On both sides of Nebraska Street between Route 47 and First Street;
- FF. On both sides of First Street between Route 38 and Walker Court;

- GG. On the west side of Blackberry Creek Drive, between Lance Avenue and Spalding Avenue;
 - HH. On both sides of Blackberry Drive between Freedom Road and Keslinger Road;
 - II. On both sides of Blackberry Creek Drive, between Independence Avenue and Hughes Road;
 - JJ. On the east side of First Street between North Street and Lilac Street.
- (2) Stand or park a vehicle, whether occupied or not, except momentarily to pick up or discharge passengers:
- A. On school days, 8:00 a.m. to 9:00 a.m. and 3:00 p.m. to 4:00 p.m.:
 - 1. On the south side of Prairie Valley Street between Ridge Drive and the easterly access drive of Kaneland North Elementary School;
 - 2. On both sides of Anderson Road between Pattee Avenue and Keslinger Road.
- (d) Daytime Parking Privileges:
- (1) Any resident whose permanent residence is located within a resident parking protection district described in subsection (a) hereof, and who meets the requirements set forth in this subsection, is authorized to park said vehicle on the street and in the block where the resident lives without regard to posted time restricted parking limits.
 - (2) Such residents shall be issued a resident parking protection permit upon submission of an application to the police department upon such forms provided by the police department. A resident parking protection permit shall be issued to an eligible resident and must be permanently displayed upon the lower driver's side corner of the front windshield within the interior vehicle passenger compartment. Resident parking protection permit provisions on the streets listed in subsection (c)(1)A. hereof, shall be valid only from January 1 through December 31 and permits will be reissued annually upon receiving a new application from each resident meeting the proper criteria.
 - (3) Resident parking protection permits shall only be issued to residents whose vehicles are registered to the resident at their Village residence. Such permits are nontransferable to other persons or vehicles. Any person who violates the provisions of this section shall be subject to the revocation of their resident parking protection permit. Any person who has their resident parking protection permit revoked shall not be eligible for the issuance of any subsequent permit.
 - (4) Permits issued under this subsection shall not be a guarantee of a parking space nor shall the privilege granted thereby be applicable to

any other restriction on parking, including, but not limited to, no parking zones, crosswalks and driveway entrances, snow removal, etc.

- (5) No immunity from overtime parking shall be allowed unless a vehicle displays a resident parking protection permit.
- (e) Commuter Parking Facilities.
- (1) Locations; designations.
 - A. Location. The Municipal commuter parking facilities are those off-street parking facilities owned or operated by the Village serving the METRA Station.
 - B. Designations. The Municipal commuter parking facility shall be designated as a daily fee parking area. It shall be unlawful to park any motor vehicle, vehicle, semi-trailer or trailer in any Municipal commuter parking facility in violation of any of the regulations of this section.
 - (2) Hours of operation. The Municipal commuter parking facility shall be open and the regulations enforced on a twenty-four-hour basis each day with each day commencing at 12:00 a.m. and ending at 11:59 p.m.
 - (3) Parking fees.
 - A. Daily parking fee. The daily parking fee, Monday through Friday of each week, shall be established by the Village Board from time to time and shall be posted at the METRA Payment System machines. Additionally, there will be no daily fee for Saturdays and Sundays and the holidays of New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas.
 - B. The daily fee shall be paid at the METRA Payment System machines. When multiple-day spaces are available, payment in advance shall also be made using the Metra Payment System machines. The exact amount must be paid and no change shall be provided.
 - (4) Commuter parking regulations.
 - A. It is unlawful for any person to park or permit his or her motor vehicle, vehicle, semi-trailer or trailer to be parked in violation of the following:
 1. In any driveway, no parking area, fire lane or any other place where vehicle parking is prohibited.
 2. In any parking space which is marked by an appropriate sign as being reserved for handicapped parking unless such vehicle bears any of the following designating the same to be a vehicle owned or operated by a handicapped individual or a disabled veteran:

- a. A motor vehicle bearing Illinois registration plates issued to a person with disabilities as defined by Section 1-159.1 and 3-616 of the Illinois Vehicle Code, or to a disabled veteran pursuant to Section 3-609 or 3-609.01 of the Illinois Vehicle Code;
 - b. A motor vehicle bearing a special decal or device issued pursuant to Section 3-616 and Section 11-1301.2 of the Illinois Vehicle Code; or
 - c. A motor vehicle registered in another jurisdiction, state, district, territory or foreign country upon which is displayed a registration plate, special decal or device issued by the other jurisdiction designating the vehicle is operated by or for a person with disabilities.
3. When the vehicle is not entirely within the designated parking space (except as provided under paragraph (4)A.5. below).
 4. When the vehicle is parked in violation of a “Head In” sign.
 5. When the vehicle exceeds twenty feet in length in any one parking space. Overlength vehicles will be allowed to occupy two spaces end to end, but must pay the daily parking fee for both occupied spaces. In all cases, all occupied daily fee spaces must have paid the daily fee.
 6. It is unlawful for any person to park or the owner of any vehicle to permit a vehicle driven or owned by him or her to be parked in a daily fee parking space without immediately depositing the daily fee for that parking space.
 7. It is unlawful for any person to park or the owner of any vehicle to permit a vehicle owned by him or her to be parked in a daily fee parking space for a period longer than the legal parking period to which he or she is entitled by making payment as hereinbefore provided.
 8. It is unlawful for any person to deposit as the daily fee, any slug or substitute for any United States coin or currency.
 9. It is unlawful for any person to deface, tamper with, open, willfully break or destroy or impair the usefulness of any parking collection device or damage its supporting structure.
 10. It is unlawful to park in any designated restricted late-morning parking space between the hours of 3:00 a.m. and 9:00 a.m.
 11. When more than one motorized vehicle occupies one space unless specifically provided for by posted signs.

12. Only one motorcycle or one scooter shall be parked in each daily fee space indicated for motorcycles or scooters.
 13. Spaces indicated as reserved for Union Pacific or METRA employees shall be used only for Union Pacific or METRA employees parking of personal or employer owned vehicles. There shall be no fee for the appropriate use of the Union Pacific or METRA employee spaces. The Police Department shall have the authority to require vehicles using these spaces to display authorization to use said spaces.
- B. A Municipal commuter parking facility shall be considered as a public parking lot and subject to paragraph (f)(5) below regarding immobilization of vehicles for violations.
 - C. Any vehicle that is determined to be parked in such an unsafe location or hazardous to other motorists or the general public, may be authorized for removal by the Police Department and towed by an authorized towing agency. Such towed vehicles will be released upon the payment of all fines, fees and completion of all other administrative requirements associated with the towing of the vehicle.
- (5) Sales prohibited. It shall be unlawful for any person to sell, offer for sale or give away for commercial purposes any food, beverage, confection or other item for human consumption; or any product, food or merchandise within the Municipal commuter parking facilities from a vehicle or otherwise, except as approved and/or licensed by the Village.
 - (6) Handbills on motor vehicles. It shall be unlawful for any person to distribute any handbills, circulars, pamphlets, cards or any other advertising matter by placing the same in or upon any motor vehicle unless the occupant of the vehicle is willing to personally accept it. This section shall not prohibit the Village from distributing public information announcements.
- (f) Penalties.
 - (1) NOT USED.
 - (2) NOT USED.
 - (3) NOT USED.
 - (4) NOT USED.
 - (5) Immobilization of vehicle for violations.
 - A. A motor vehicle parked upon the public highway, or municipally owned or controlled parking lot at any time may, by or under the direction of an officer or member of the Police Department, be immobilized in such a manner as to prevent its operation, if there are five or more outstanding or otherwise unsettled traffic violation

notices, or one or more warrants issued for any such violations, pending against the owner of such motor vehicle.

- B. Upon immobilization of such motor vehicle, the officer or employee shall cause to be placed on such vehicle, in a conspicuous location, a notice that such vehicle has been immobilized and that any attempt to move such vehicle might result in damage to such vehicle. As soon as practicable, the officer or employee shall inform the owner of the immobilized vehicle of the prior outstanding or unsettled traffic violation notices or warrants, on account of which such vehicle was immobilized. The owner of such immobilized vehicle, or other authorized person, shall be permitted to secure release of the vehicle upon:
 - 1. The depositing of the bond for his or her appearance in the circuit court to answer for each violation; or
 - 2. Depositing the amount of the fine or penalty for each violation for which there is an outstanding or otherwise unsettled traffic violation notice or warrant; and
 - 3. The payment of the fees as required by subsection (f)(4) above.
- C. The owner of an immobilized vehicle, or other authorized person, shall have the right to a post-immobilization hearing with the Chief of Police or his or her designee, to determine the validity of such immobilization, towing and any towing or storage charges. Such hearing must be requested within fifteen days after the vehicle is immobilized. The post-immobilization hearing shall not be determinative of any citation issued relative to any immobilized vehicle.
- D. The immobilizing device or mechanism shall remain in place for forty-eight hours unless the owner has complied with paragraph (f)(5)B. above. If such compliance has not occurred within forty-eight hours, the vehicle shall be towed or impounded. The Village's then approved towing and storage fees shall be paid, along with fees specified in this section, before the owner of such vehicle, or authorized person, shall be permitted to repossess or secure the release of the vehicle, unless the owner has posted bond and requested a court date as specified above.
- E. The owner of an immobilized vehicle which is impounded shall pay two hundred fifty dollars (\$250.00) for the immobilization, plus the towing and storage charges actually incurred.
- F. It shall be unlawful for any unauthorized person or persons to attempt to remove the vehicle immobilizing device. Any damage or removal of a vehicle immobilizing device will be considered damage

or theft of Village property and prosecuted under the Criminal Code of the State of Illinois.

- G. The Chief of Police or his or her designee, shall have the authority for implementing the parking enforcement provisions of this section.
 - H. Nothing in this section shall be construed to deprive any person of the constitutional right to a hearing or trial as to the violations charged.
- (6) Notice for impending driver's license suspension for ten or more parking violations.
- A. When notice is required to be sent pursuant to Section 6-306.5(f)(2) of the Illinois Vehicle Code (625 ILCS 5/6-306.5(f)(2)), as amended, it shall be sent to the person liable for any fine or penalty and shall state that failure to pay the fine or penalty owed within forty-five days of the notice's date will result in the Village notifying the Illinois Secretary of State that the person's driver's license is subject to suspension pursuant to Section 6-306.5 of the Illinois Vehicle Code (625 ILCS 5/6-306.5), as amended.
 - B. The notice sent shall be sent by first class United States mail, postage prepaid, to the address recorded with the Illinois Secretary of State.
(Ord. 96-25. Passed 8-5-96; Ord. 2003-27. Passed 12-1-03; Ord. 2005-21. Passed 10-17-05; Ord. 2006-02. Passed 2-21-06; Ord. 2006-13. Passed 8-7-06; Ord. 2007-12. Passed 7-9-07; Ord. 2008-13. Passed 8-25-08; Ord. 2010-13. Passed 3-15-10; Ord. 2010-14. Passed 4-19-10; Ord. 2012-23. Passed 11-19-12.)

480.02 TOWING ILLEGALLY PARKED VEHICLES.

The Police Department, and all members thereof assigned to traffic duty, are hereby authorized to have removed and towed away by a commercial towing service, any vehicle illegally parked in any place where such parked vehicle creates or constitutes a traffic hazard, blocks the use of a fire hydrant or obstructs or may obstruct the movement of any emergency vehicle; or any illegally parked vehicle which has been parked in any public street or other public place for a period of twenty-four consecutive hours. Cars so towed away shall be stored on Village property or in a public garage or parking lot and shall be returned to the owner or operator thereof only after payment of the expenses incurred in the removing and storing of such vehicle. (Ord. 90-11. Passed 6-18-90; Ord. 2006-13. Passed 8-7-06.)

480.03 PARKING AT CAB STANDS AND BUS STANDS.

No vehicle other than a licensed taxicab shall be parked in any area designated by ordinance as a cab stand, and no vehicle other than a bus shall be parked in a place so designated as a bus loading zone. (Ord. 87-7. Passed 3-16-87; Ord. 2006-13. Passed 8-7-06.)

**480.04 PARALLEL AND DIAGONAL PARKING GENERALLY.
(REPEALED)**

(EDITOR'S NOTE: Section 480.04 was repealed by Ordinance 2006-13, passed August 7, 2006. See Section 480.01 for provisions regarding parallel and diagonal parking.)

480.05 PARKING ON PRIVATE PROPERTY.

It shall be unlawful to park any motor vehicle, inoperable motor vehicle, abandoned vehicle, detached semi-trailer, trailer or recreational trailer on any private property without the consent of the owner of the property. (Ord. 90-11. Passed 6-18-90; Ord. 2006-13. Passed 8-7-06.)

480.06 POSTING SIGNS WHERE PARKING LIMITED OR PROHIBITED.

The Superintendent of Public Works, Chief of Police or any other person authorized by the Village President and the Board of Trustees, shall cause signs to be posted in all areas where parking is limited or prohibited, which signs should indicate such limitations or prohibitions. (Ord. 90-11. Passed 6-18-90; Ord. 2006-13. Passed 8-7-06.)

480.07 PARKING IN ALLEYS.

No person shall park a vehicle within an alley unless ten feet of the width of the roadway remains for the free movement of traffic. No person shall stop, stand or park a vehicle within an alley in such a position as to block the driveway entrance to any abutting property. (Ord. 90-11. Passed 6-18-90; Ord. 2006-13. Passed 8-7-06.)

480.08 PARKING AFTER SNOWFALL.

(a) No person, firm, or company shall park a motor vehicle, vehicle, semi-trailer or trailer, or if parked, allow a motor vehicle, vehicle, semi-trailer or trailer to remain parked or standing, in any public street within the limits of the Village after a snowfall in which there is an accumulation of two or more inches of snow. This prohibition shall remain until twenty-four hours after the end of the snowfall or until the street, alley or parking area is plowed or the snow is removed therefrom, whichever comes first.

(b) Whenever any motor vehicle, vehicle, semi-trailer or trailer shall be parked in violation of subsection (a) hereof, such vehicle shall be removed at the direction of the Police Department to any Municipally owned or leased property in the Village, or to a private or public garage or lot, and shall be stored therein and shall not be removed therefrom, except upon payment by the owner to the Police Department of a sum not to exceed the reasonable expense of the removal and storage of said motor vehicle, vehicle, semi-trailer or trailer. This charge shall be in addition to the penalties imposed under Section 480.99.

(Ord. 90-11. Passed 6-18-90; Ord. 2006-13. Passed 8-7-06.)

480.09 POLICE PARKING SPACES. (REPEALED)

(EDITOR'S NOTE: Section 480.09 was repealed by Ordinance 96-25, passed August 5, 1996.)

480.10 LOCATIONS WHERE PARKING PROHIBITED FOR MORE THAN A SPECIFIED AMOUNT OF TIME.

(a) Between the hours of 6:00 a.m. and 6:00 p.m., no person shall park a motor vehicle, vehicle, semi-trailer or trailer on the below listed public streets or public facilities for more than two hours:

- (1) North Street, from First Street to Gates Street; or
- (2) Main Street from the Union Pacific railroad to Shannon Street.

(b) Except for private, commercial and/or delivery vehicles that are actively engaged in loading and unloading, no person shall park any motor vehicle, vehicle, semi-trailer or trailer in the first parking spaces on the north and south sides of North Street east of Main Street for more than fifteen minutes.

(c) No person shall park any motor vehicle, semi-trailer or trailer between the hours of 2:00 a.m. and 5:00 a.m. on Main Street between the Union Pacific railroad and Shannon Street.

(d) No person shall park any motor vehicle, that may include an attached semi-trailer or trailer on any highway, street, public right-of-way or public facility for more than seventy-two hours without being moved. This section does not apply to

motor vehicles parked at a public facility where pre-payment has been made for parking on a daily basis.

(e) No person shall park any inoperable motor vehicle, detached semi-trailer, trailer or recreational trailer on a highway, street, public right-of-way or public facility for more than twelve consecutive hours.

(f) No person shall park any motor vehicle, semi-trailer, trailer or equipment between the hours of 8:00 a.m. and 4:00 p.m. on any day when school is in session at the adjacent school building on the west side of Anderson Road from Pattee Avenue to Keslinger Road.

(Ord. 90-11. Passed 6-18-90; Ord. 96-25. Passed 8-5-96; Ord. 2006-13. Passed 8-7-06; Ord. 2010-13. Passed 3-15-10.)

480.11 DIAGONAL PARKING ON ILLINOIS ROUTE 47.

(a) Diagonal parking shall not be permitted along Illinois Route 47 from Depot Street to Shannon Street within the limits of the Village.

(b) The Board of Trustees will prohibit future diagonal parking at such locations on or immediately adjacent to Illinois Route 47 as may be determined and directed by the State to be necessary to ensure the free flow of traffic and safety to the motoring public.

(Ord. 91-15. Passed 9-3-91; Ord. 2006-13. Passed 8-7-06.)

480.12 PRIMA-FACIE LIABILITY.

Whenever any vehicle shall have been parked in violation of any of the provisions of any ordinance prohibiting or restricting parking, the person in whose name such vehicle is registered shall be prima facie responsible for such violation and subject to the penalties therefor.

(Ord. 90-11. Passed 6-18-90; Ord. 2006-13. Passed 8-7-06.)

480.99 PENALTY.

Any person found liable/guilty by a preponderance of the evidence of a violation of this chapter, except for violations of Section 480.01(e) of this chapter, in an administrative/judicial hearing shall be subject to a Class I fine, plus applicable hearing costs, as provided in Section 422.99 of this code.

Any person found liable/guilty by a preponderance of the evidence of a violation of Section 480.01(e) of this chapter in an administrative/judicial hearing shall be subject to the METRA Parking Fine, plus applicable hearing costs, as provided in Section 422.99(i)(1) of this code.

(Ord. 90-11. Passed 6-18-90; Ord. 2006-13. Passed 8-7-06; Ord. 2012-23. Passed 11-19-12.)

